

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14751-14800

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 3, 1950.*

CONTENTS

	Page		Page
Beverages and beverage materials.....	499	Dairy products—Continued	
Cereals and cereal products.....	501	Miscellaneous dairy products....	513
Bakery products.....	501	Fish and shellfish.....	520
Corn meal.....	505	Fruits and vegetables.....	521
Flour.....	505	Fruit and fruit products.....	521
Chocolate and confectionery.....	506	Vegetables.....	524
Dairy products.....	511	Tomatoes and tomato products..	528
Cheese.....	511	Index.....	530

BEVERAGES AND BEVERAGE MATERIALS

14751. Adulteration of wine. U. S. v. Western Wine Corp. and David H. Godlis.
Pleas of not guilty. Tried to the court. Defendants found guilty; each
fined \$150 and costs. (F. D. C. No. 26347. Sample Nos. 2744-K, 40309-K.)

INFORMATION FILED: February 28, 1949, District of Maryland, against the West-
ern Wine Corp., Baltimore, Md., trading under the names of the Western Wine
Corp. and the Vintage Wines Co., and David H. Godlis, president.

ALLEGED SHIPMENT: On or about August 11 and November 11, 1948, from the
State of Maryland into the District of Columbia.

LABEL, IN PART: "Old Mission Brand * * * Sherry [or "Port" or "Mus-
catel"] Wine" and "D. H. G. Brand * * * Port Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (portion) the product consisted in part of a filthy substance by reason of the presence of fruit flies, fly pupae, insect fragments, mites, and aphids; and, Section 402 (a) (4), (all lots) it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 9, 1949. Pleas of not guilty having been entered, the case was tried before the court. The defendants were found guilty and each was fined \$150, together with costs.

14752. Misbranding of Bevco Stabilizer. U. S. v. 7 Bottles * * * (and 5 other seizure actions). F. D. C. Nos. 26272, 26390, 26395, 26396, 26412, 26471. Sample Nos. 1084-K, 7498-K, 7499-K, 23912-K, 23934-K, 45713-K.)

LIBELS FILED: January 7, 10, 11, 18, and 20, 1949, Southern District of Alabama, Northern District of Alabama, Eastern District of Missouri, Western District of New York, and Southern District of Florida.

ALLEGED SHIPMENT: On or about July 22, August 26, September 7, 10, 22, and 27, and December 6, 1948, by Chandler Laboratories, Inc., from Philadelphia, Pa.

PRODUCT: Bevco Stabilizer. 7 1-gallon bottles at Mobile, Ala., 8 1-gallon bottles at Manchester, Mo., 4 1-gallon bottles at North Tonawanda, N. Y., 8 1-gallon bottles at Tonawanda, N. Y., 11 1-gallon bottles at Miami, Fla., and 11 1-gallon bottles at Birmingham, Ala.

LABEL, IN PART: "Bevco Stabilizer Directions: Use $\frac{1}{2}$ ounce to each gallon of prepared syrup or to 6 gallons of finished product. * * * contains less than $2\frac{1}{2}\%$ pure quaternary ammonium chloride. * * * is not a finished food product and is for manufacturing use only."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Bevco," coupled with the directions for use, was misleading since it represented to purchasers that the article was wholesome and suitable for use as a component of beverages for man, whereas the product contained a quaternary ammonium compound, which is a poisonous and deleterious substance, and the labeling failed to reveal that fact.

DISPOSITION: February 7 and 17, March 1, and 3, and April 14, 1949. Default decrees of condemnation and destruction.

14753. Misbranding of Bevco Stabilizer. U. S. v. 7 Bottles * * *. (F. D. C. No. 26277. Sample No. 42412-K.)

LIBEL FILED: February 9, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 26 and August 25, 1948, by Chandler Laboratories, Inc., from Philadelphia, Pa.

PRODUCT: 7 1-gallon bottles of Bevco Stabilizer at Rockford, Ill.

LABEL, IN PART: "Bevco Stabilizer * * * Directions: Use $\frac{1}{2}$ ounce to each gallon of prepared syrup or to 6 gallons of finished product. * * * contains less than $2\frac{1}{2}\%$ pure quaternary ammonium chloride. * * * is not a finished food product and is for manufacturing use only."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since the trade name "Bevco," coupled with the directions for use, represented to purchasers that the article was wholesome and suitable for use as a com-

ponent of beverages for man, whereas the article contained a quaternary ammonium compound, which is a poisonous and deleterious substance, and the labeling failed to reveal that fact.

DISPOSITION: June 9, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

14754. Adulteration of bread. U. S. v. Continental Baking Co., a corporation, and John H. Westerfield. Pleas of nolo contendere. Each defendant fined \$500 and costs. (F. D. C. No. 26303. Sample Nos. 25331-K to 25333-K, incl., 25335-K.)

INFORMATION FILED: December 21, 1948, Southern District of Iowa, against the Continental Baking Co., a corporation, and John H. Westerfield, manager.

ALLEGED SHIPMENT: On or about June 26 and 28, 1948, from the State of Iowa into the State of Illinois.

LABEL, IN PART: "Wonder Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 14, 1949. Pleas of nolo contendere having been entered, each defendant was fined \$500, together with costs.

14755. Adulteration of pumpernickel bread. U. S. v. 43 Cases * * *. (F. D. C. No. 26512. Sample No. 37939-K.)

LIBEL FILED: February 8, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about November 18, 1948, by Liberty Cherry & Fruit Co., Inc., from Latonia, Ky.

PRODUCT: 43 cases, each containing 24 1-pound cans, of pumpernickel bread at Seattle, Wash.

LABEL, IN PART: "Nordmann's Original Pure Rye Pumpernickel * * * Baked and Packed by Nordmann's Bakery, Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments.

DISPOSITION: May 26, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

14756. Adulteration of cookies. U. S. v. Arley E. Alexander and Guy A. Alexander (Magnolia Candy & Cookie Co.). Pleas of nolo contendere. Each defendant fined \$50. (F. D. C. No. 26312. Sample Nos. 23399-K, 23566-K.)

INFORMATION FILED: April 22, 1949, Southern District of Mississippi, against Arley E. Alexander and Guy A. Alexander, trading as the Magnolia Candy & Cookie Co., a partnership, Jackson, Miss.

*See also Nos. 14765, 14766.

ALLEGED SHIPMENT: On or about September 10 and 13, 1948, from the State of Mississippi into the State of Louisiana.

LABEL, IN PART: "Vanilla Wafers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, larvae, and insect and larva parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 6, 1949. Pleas of nolo contendere having been entered, each defendant was fined \$50.

14757. Adulteration of jelly fingers. U. S. v. 55 Cases * * *. (F. D. C. No. 26553. Sample No. 6773-K.)

LIBEL FILED: February 21, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about January 21, 1949, by the Zion Candy Industry, Div. of Zion Industries, Inc., Zion, Ill.

PRODUCT: 55 cases, each containing 24 1-pound packages, of jelly fingers at Buffalo, N. Y.

LABEL, IN PART: "Betty Marie Jelly Fingers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and wood splinters; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 28, 1949. Consent decree of condemnation and destruction.

14758. Alleged adulteration of ice cream cups and cones. U. S. v. Maryland Baking Co. and Sara Piem. Defendants filed motion for return of samples collected during inspection and for suppression of evidence obtained during such inspection; motion granted. Case dismissed on motion of Government. (F. D. C. No. 24531. Sample Nos. 308-K, 310-K, 717-K, 1010-K.)

INFORMATION FILED: April 23, 1948, Northern District of Georgia, against the Maryland Baking Co., a partnership, Atlanta, Ga., and Sara Piem, manager.

ALLEGED SHIPMENT: On or about September 18 and October 11, 1947, from the State of Georgia into the States of Tennessee and Florida.

LABEL, IN PART: "Eat-It-All Cake Cups," "Flavor-ized Flare Tops Dripless Cake Cones," and "Kreem Kups."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: The defendant having filed a motion for the return of certain samples and photographs taken during an inspection and for suppression of the evidence secured during such inspection, the court handed down, on September 29, 1948, the following opinion sustaining the motion:

RUSSELL, *District Judge*: "A criminal information is pending in this Court naming Maryland Baking Company, a partnership, and Sara Piem, an individual, as defendants, in which is charged a violation of the Federal Food and Drug Act. The partnership and individual have moved the return of certain seized property and for the suppression of evidence alleged to have been seized and secured as the result of an unlawful search. A hearing has been had at which oral testimony was received concerning the circumstances of the inspection and seizure.

"The material facts are as follows: On September 23, 1947, two agents of the Food and Drug Administration went to the plant of the partnership and asked to see the manager, who is Miss Piem. She was engaged in a conference and the agents thereupon asked for the next in authority and were directed to Mr. Lampe who is the plant superintendent, and thereupon found him on another floor of the building. The evidence is conflicting as to exactly what conversation was had. Miss Piem is the manager of the plant and in charge of all of its operations, representing the members of the partnership, who take no part in the management of the business. Lampe is concerned only with the supervision of the building and the production of the plant, all of his authority, with the exception of the power to discharge employees, being exercised under the over-all supervision of Miss Piem. Upon the agents meeting Lampe in the bake room of the plant, they testify that they made their official position known and stated that they wished to make an inspection and that he replied in substance 'all right' or 'go ahead', and thereafter went through the plant with them, cooperating in the inspection. Lampe denies that any request was made or any consent given, and from the evidence the Court finds that he gave no consent but merely assumed that the officers had the right to inspect and offered no objection. However, under the view the Court takes of the law, the question of Lampe's consent is immaterial.

"After some two-hour inspection, one of the agents went to the office on the lower floor and saw the manager and received certain information as to the destination of the shipments of the plant, after informing her that he had made an inspection. The manager stated that she was entitled to the courtesy of being requested the permission to enter the plant and asked that this be secured. Two days later, on September 25th, the agents again returned to the plant and one stopped by the office to secure permission to enter, but the other, however, had already entered the plant and begun a continuation of the inspection. At a later time, the date being somewhat uncertain, but probably September 28th, a continuation of the inspection was had, but no express permission was given or requested of Miss Piem, the manager.

"In the course of the inspection, various samples of the batter and flour and finished products were secured and pictures made of a portion of the premises.

"Miss Piem, the manager, had never granted to Lampe, the plant foreman, or superintendent, authority to admit anyone to the plant, and permission from her to enter the plant was never formally requested or secured by the agents.

"Under these facts, the question presented is whether the inspection was lawfully conducted within the terms of Title 21, U. S. C. A., Section 374, which provides for and regulates such inspections. In the application of the statute in this case, we have on the one hand the necessity for not unduly impeding the valuable work of the Food and Drug Administration, and on the other hand, the maintenance of the legal rights of the defendants. The statute provides: 'For the purposes of this chapter, officers or employees duly designated by the Administrator, after first making request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce, or are held after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices or cosmetics in interstate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein.' Counsel for the defendants, movants, predicates his argument largely upon the constitutional prohibition against unreasonable searches and seizures. However, as it is concluded that the inspection did not comply with the terms of the statute, it is unnecessary to consider any constitu-

tional question. So far as the present case is concerned, the critical words are that the employees designated by the Administrator 'after first making request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter, at reasonable times * * * and (2) to inspect, at reasonable times, * * *.' It is difficult to conceive how a procedure could be any more definitely spelled out than by the language quoted. The first step must be the making of a request, and there must be obtained the permission, the formal consent of the owner, the operator, or custodian of the factory, etc. Under the evidence in this case, Miss Piem was the operator and custodian. She was present and this was known to the agents. When present, she was the proper person of whom to first request and obtain permission for the inspection, and under the circumstances was the only one authorized to give permission for inspection, the results of which might (and did) subject her and the partnership, for which she was the alter ego, to criminal prosecution. It is recognized that such beneficial legislation as the Federal Food and Drug Act is entitled to a liberal construction to maintain standards of health and purity in articles of food and drugs. However, the defendants are entitled to insist upon compliance with the statute.

"The strict requirement of Section 374, supra, is emphasized by examination of the provisions of the statute as a whole. Thus, in section 373, making provision for the inspection of the records of interstate shipments by carriers and persons receiving food in interstate commerce, they are required merely 'upon the request of an officer or employee duly designated by the Administrator' to permit access to and copying of records showing the movement of such foods, drugs, etc., in interstate commerce. In such an instance the statute provides the 'permission,' but further provides that the evidence 'obtained thereby shall not be used in a criminal prosecution of the person from whom obtained.' The restriction of conduct expressed by the words of section 374, supra, considered in their ordinary meaning, becomes even more evident when the formal and prohibitory provisions of the statute contained in section 331 (f) of Title 21, U. S. C. A. are considered. By this subsection, 'The refusal to permit entry or inspection as authorized by section 374' is prohibited and the commission of a prohibited act is by section 333 made a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$1,000.00, or both such imprisonment and fine, for the first violation, and for not more than three years or a fine of not more than \$10,000.00, or both such imprisonment and fine, upon a second conviction. It therefore becomes readily apparent that the words 'owner, operator, or custodian,' must have a definite and fixed meaning in the statutory scheme of enforcement, for they thereby become a part of the enforcement of the statute by criminal prosecution. It may be that constitutional questions lurk in the background of subparagraph (f) of section 331, supra. If so, they may be reserved for another day and another case, and in any event, they would not weaken the aid given to the determination of the congressional intent as to the meaning of the words 'owner, operator, or custodian.'

"It is clear that Lampe was neither the 'operator, or custodian' of the plant, and likewise clear that under the circumstances Miss Piem was. Since the agents did not comply with the requirements of the statute by first requesting and obtaining permission from her, the inspection was not within the terms of the statute, and the evidence secured as a result thereof was illegally secured. In this criminal prosecution she is entitled to assert for herself and the partnership she represents, the illegality of the evidence so obtained. It is undisputed that the several inspections were all a continuation of the initiatory one of September 23rd, which it is here determined was illegal.

"The motion for the suppression of the evidence in this criminal prosecution should be, and the same hereby is, sustained, and such evidence declared inadmissible in the trial of the criminal prosecution against the partnership and individual defendant.

"No sufficient identification of the articles seized was presented by the evidence to support direction that they be returned."

On May 20, 1949, an order of dismissal of the case was entered on the Government's motion.

CORN MEAL

14759. Adulteration of corn meal. U. S. v. Myers & Clark Co., Inc. Plea of nolo contendere. Fine, \$600, plus costs. (F. D. C. No. 26340. Sample Nos. 2518-K, 19958-K, 19973-K.)

INFORMATION FILED: March 2, 1949, Eastern District of Kentucky, against Myers & Clark Co., Inc., Ashland, Ky.

ALLEGED SHIPMENT: On or about August 25, September 17, and October 1, 1948, from the State of Kentucky into the State of West Virginia.

LABEL, IN PART: "Ideal Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, insects, larvae, insect fragments, and rodent hair fragments.

DISPOSITION: June 13, 1949. A plea of nolo contendere having been entered, the defendant was fined \$600, together with costs.

14760. Adulteration of corn meal. U. S. v. Sandy Valley Grocery Co. Plea of nolo contendere. Fine, \$250, plus costs. (F. D. C. No. 26343. Sample No. 19975-K.)

INFORMATION FILED: March 28, 1949, Eastern District of Kentucky, against the Sandy Valley Grocery Co., a corporation, Ashland, Ky.

ALLEGED SHIPMENT: On or about September 16, 1948, from the State of Kentucky into the State of Ohio.

LABEL, IN PART: "Winchester Milling Company White Corn Meal Winchester, Ky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, rodent hairs, and rodent excreta fragments.

DISPOSITION: June 13, 1949. A plea of nolo contendere having been entered, the defendant was fined \$250, together with costs.

FLOUR

14761. Adulteration of flour. U. S. v. Morrow Milling Co. Plea of nolo contendere. Fine of \$150 and costs. (F. D. C. No. 24828. Sample 22882-K.)

INFORMATION FILED: July 27, 1948, Western District of Missouri, against the Morrow Milling Co., a corporation, Carthage, Mo.

ALLEGED SHIPMENT: On or about March 17, 1948, from the State of Missouri into the State of Louisiana.

LABEL, IN PART: "Delmonico Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 11, 1949. A plea of nolo contendere having been entered, the defendant was fined \$150, together with costs.

14762. Adulteration of flour. U. S. v. 21 Bags * * *. (F. D. C. No. 26546. Sample Nos. 5788-K, 5789-K.)

LIBEL FILED: February 21, 1949, District of Vermont.

ALLEGED SHIPMENT: On or about November 23, 1948, from Buffalo, N. Y.

PRODUCT: 21 100-pound bags of flour at Montpelier, Vt., in possession of Cross Baking Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 20, 1949. Default decree of forfeiture and destruction.

14763. Adulteration and misbranding of enriched flour. U. S. v. Dearborn Mills. Plea of guilty. Fine, \$100. (F. D. C. No. 25616. Sample Nos. 44005-K, 44088-K, 44089-K.)

INFORMATION FILED: March 16, 1949, Southern District of Indiana, against the Dearborn Mills, a corporation, Aurora, Ind.

ALLEGED SHIPMENT: Between the approximate dates of May 4 and July 20, 1948, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Can't Be Beat Vitamin and Iron Enriched * * * Bleached Phosphated Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since it contained per pound less than 2.0 milligrams of thiamine (vitamin B₁).

Further misbranding, Section 403 (a), the label statements "Vitamin * * * Enriched 8 oz. contains not less than the following proportions of the minimum daily requirement of vitamin B₁ 100%" were false and misleading. The statements represented and suggested that the article contained per pound not less than 2.0 milligrams of thiamine (vitamin B₁), as required by the standard of identity for enriched flour, and that 8 ounces of the article contained not less than 100 percent of the minimum daily requirements of the body for thiamine (vitamin B₁). The article contained less thiamine (vitamin B₁) than represented.

DISPOSITION: April 6, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

CHOCOLATE AND CONFECTIONERY

14764. Adulteration of chocolate. U. S. v. 34 Bales, etc. (F. D. C. Nos. 25889, 25890. Sample Nos. 45438-K, 45439-K.)

LIBEL FILED: October 29, 1948, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about July 31, 1947, and April 13, 1948, from Elsdon, Ill., and Philadelphia, Pa.

PRODUCT: Chocolate. 34 200-pound bales at Beloit, Wis., and 3,694 pounds in unlabeled bags or second-hand boxes at Beloit, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1948. The Wright & Wagner Dairy Co., Beloit, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be salvaged for human consumption, under the supervision of the Federal Security Agency.

Following fumigation, the chocolate was reworked by removing the infestation with steel scrapers. The broken edges were scraped deeply and any holes made by insects were gouged out. Of the 10,547 pounds seized, 3,052 pounds were rejected and burned at the completion of the salvaging operations on December 30, 1948.

14765. Action to enjoin and restrain the interstate shipment of confectionery and bakery products. U. S. v. Runkle Co., William J. Malone, and Eilene Finnell. Tried to the court. Injunction granted. (Inj. No. 47.)

COMPLAINT FILED: February 20, 1946, Northern District of Ohio, against the Runkle Co., a partnership, Kenton, Ohio, and William J. Malone and Eilene Finnell, members of the partnership. The complaint alleged that the defendants had been shipping in interstate commerce, for the past several years, quantities of confectionery and bakery products which were adulterated, and that factory inspection, at various times, of defendants' plant disclosed the presence of insects, rodents, rodent excreta, and foreign matter in and around places in the plant where the articles were manufactured and packed and in and around the raw materials and equipment used in manufacturing the articles. Examination of samples from interstate shipments of the articles disclosed the presence of insect fragments, wood fragments, rodent hair fragments, and mouse pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been and were being prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendants during the pendency of the action from commission of the acts complained of; and that after hearing, the preliminary injunction be made permanent.

DISPOSITION: On April 3, 1946, the Runkle Co., William J. Malone, and Eilene Finnell filed a joint answer denying that the products were adulterated. Thereafter, on May 23, 1946, with the consent of the defendants, a preliminary injunction was entered temporarily enjoining the defendants from further introduction into interstate commerce of food adulterated under Sections 402 (a) (3) and (4).

On September 9 and 10, 1946, the trial was held on the question of granting a permanent injunction; and at the conclusion of the trial, the matter was taken under advisement by the court. On December 16, 1946, the court handed down a written opinion, which reads in part as follows:

KLOEB, District Judge: "It is the position of the defendants, as argued in their brief filed September 18, 1946, that the present injunction is as good as a permanent injunction, and that the public interest will be as fully served by continuing this case under a temporary injunction as it will be by entering a perpetual injunction; that the temporary injunction be continued, and that the hearing of the case be continued until some further reasonable time, during which the defendants can show the Court that no one can justly complain of the condition of the plant or its products.

"The Court must keep in mind the history of this litigation, and the hearing that this Court has conducted in this case, as well as in the case that preceded it and that involved the same issues. This case cannot be continued indefinitely on the docket of the Court, and should be disposed of. The record shows substantial violation of the law, as complained of by the plaintiff, up to and including the final hearing, and it appears to be but proper that the injunction be made permanent so that the Government be relieved of the necessity of pursuing affirmative action in seeking compliance with the law, and of conducting police duties, in order to be assured that the defendants are producing and introducing into interstate commerce food that complies with the law. The burden now should be assumed by the defendants to keep their plant within the law.

"Injunction may, therefore, issue as prayed for.

"The plaintiff may prepare and file findings of fact and conclusions of law, drawn in accordance with this memorandum, within five (5) days, and the defendants may file any exceptions or suggested additions thereto within three (3) days thereafter."

On December 30, 1946, the court entered its findings of facts and conclusions of law and, in accordance therewith, entered a decree providing for the dismissal of the action against Eilene Finnell, on the ground that she had had no active part in the management, control, or operation of the business, and ordering that the other defendants be permanently enjoined from commission of the acts complained of. On October 5, 1948, the defendants moved the court to vacate and set aside the injunction. On November 29, 1948, the court overruled the motion.

14766. Adulteration of candy and cookies. U. S. v. Capitol Candy Co., Inc., and Charles E. Maley. Pleas of nolo contendere. Corporation fined \$200; Charles E. Maley fined \$50. (F. D. C. No. 26353. Sample Nos. 1118-K, 1522-K, 1523-K, 1526-K, 1706-K to 1708-K, incl., 23639-K, 23904-K to 23906-K, incl., 45850-K, 45851-K.)

INFORMATION FILED: April 22, 1949, Southern District of Mississippi, against Capitol Candy Co., Inc., Jackson, Miss., and Charles E. Maley, secretary-treasurer.

ALLEGED SHIPMENT: Between the approximate dates of September 7 and November 2, 1948, from the State of Mississippi into the States of Tennessee, Georgia, Alabama, and Florida.

LABEL, IN PART: (Portions) "Leader Brand [or "Capitol"] Vanilla Wafers" or "Capitol Stick * * * Capitol Candy Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect heads, insect fragments, insect larvae, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 6, 1949. Pleas of nolo contendere having been entered, the corporation was fined \$200 and Charles E. Maley \$50.

14767. Adulteration of chocolate rabbits. U. S. v. 55 Boxes, etc. (and 1 other seizure action). (F. D. C. Nos. 26606, 26656. Sample Nos. 40245-K, 56250-K.)

LIBELS FILED: February 15 and March 15, 1949, Districts of Maryland and New Jersey.

ALLEGED SHIPMENT: On or about January 7 and February 28, 1949, by Chocolate Creations, Inc., from New York, N. Y.

PRODUCT: 55 boxes each containing 1 12-ounce chocolate rabbit and 210 boxes each containing 1 7-ounce chocolate rabbit at Baltimore, Md., and 24 dozen boxes each containing 1 11-ounce chocolate rabbit and 66 dozen boxes each containing 1 7-ounce chocolate rabbit at Newark, N. J.

LABEL, IN PART: "Milk Chocolate," "Milk Chocolate Rabbit," and "Colonial House Homestyle Candies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 21 and May 2, 1949. Default decrees of condemnation and destruction.

14768. Adulteration of candy. U. S. v. 15 Boxes * * * (and 2 other seizure actions). (F. D. C. Nos. 26626, 26664, 26665. Sample Nos. 7916-K, 40425-K, 46997-K.)

LIBELS FILED: February 28, 1949, District of Maryland and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 25 and 27, 1949, by Crown Candy Co., Inc., from Springfield, Mass.

PRODUCT: Candy. 15 boxes at Baltimore, Md., 6 boxes at Pittsburgh, Pa., and 31 boxes at Vandergrift, Pa. Each box contained 24 1¼-ounce packages.

LABEL, IN PART: (Package) "Elizabeth Ann Chocolate Cordial Cherries."

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402(a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 31 and April 4, 1949. Default decrees of condemnation and destruction.

14769. Misbranding of candy. U. S. v. 274 Boxes * * *. Decree of condemnation. (F. D. C. No. 16709. Sample No. 7116-H.)

LIBEL FILED: July 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 20 and 27, 1945, by the Life Savers Corp., from Port Chester, N. Y.

PRODUCT: 274 boxes, each containing 20 packages, of candy at Newark, N. J.

LABEL, IN PART: (Roll) "Wild Cherry Life Savers."

NATURE OF CHARGE: Misbranding, Sections 403(a) and 403(f), the charges appear in the court's findings of fact.

DISPOSITION: On June 15, 1949, following a pretrial conference, the court made the following findings of fact:

LEDERLE, District Judge: "This is a proceeding for the seizure and condemnation of a food (candy) brought by the Government under the Food, Drug and Cosmetic Act of 1938. The libel of information herein was filed on July 23, 1945, alleging that the seized goods, approximately 274 boxes of a candy called Life Savers (Wild Cherry flavor), were misbranded under 21 U. S. C. 343(a) 'in that the label designation "Wild Cherry" is false and misleading as applied to a product which is artificially flavored and colored,' and within the meaning of 21 U. S. C. 343(f) 'in that the information required by and under authority of the Federal Food, Drug and Cosmetic Act to appear on the

label, namely, the name and place of business of the manufacturer, packer, or distributor; an accurate statement of the quantity of the contents; and the common or usual name of each ingredient, is not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use, since the required statements are printed in such small type and on such a background as to be practically invisible.'

"When seized, the goods were in the possession of a distributor in Newark, New Jersey. They were manufactured and sold and shipped in interstate commerce to the distributor by Life Savers Corporation, a Delaware corporation having its principal place of business in Port Chester, New York. A default was entered before Life Savers Corporation had actual notice of the proceedings. Upon receiving such notice from the United States attorney, Life Savers Corporation filed its petition by which it sought to be relieved of the default and to be permitted to file an answer to the libel and enter its claim to the seized goods. Upon the consent of the Government an order was made on April 29, 1946 vacating the default. Thereafter Life Savers Corporation duly filed its claim, answer to the libel and gave the required security for costs.

"Claimant's answer denied that the seized goods were misbranded and subject to seizure and condemnation under 21 U. S. C. 334. Further answering the libel, claimant alleged that it had been forced by shortages of materials due to the war to abandon temporarily the use of gold lettering on its labels, and to use lettering which was less conspicuous but which, nevertheless, was the best it could do under the circumstances.

"Upon the joining of issue this cause was placed on the trial calendar and in due course was set for a pre-trial conference, which was had before Judge Smith on January 7, 1947. It appearing that an understanding might be reached between the parties, Judge Smith adjourned the trial to see if a satisfactory compromise might not be reached. The negotiations of the parties having failed to lead to a disposition of the case, it has come before me for trial.

"This proceeding does not concern either the prewar label or that now in use by claimant.

"It appears from statements made by counsel for claimant at this pre-trial hearing that for many years, the claimant has manufactured its Life Saver candies in a number of different flavors. Sales and distribution have been national in scope, and its products are widely known to the public. In 1934, it added to its line of goods the candy which has been seized. Its flavor, which is artificial, is called 'Wild Cherry.' So far as appears, no candy is sold commercially which is made with a natural 'Wild Cherry' flavoring. There are many candies currently on the market which are flavored with an artificial flavoring similar in character to that used by claimant. In the eleven years, from 1934 through 1944, claimant sold approximately 121,000,000 packages of its 'Wild Cherry' candy, but it was not until the early part of 1944 that claimant began use of the questioned label. In the early part of 1944, claimant was forced to adopt a substitute for its regular label by war shortages and Government controls concerning paper and printing materials. Thus claimant adopted its 'war label' which is on the goods seized by the Government in this proceeding. This label is not as legible as that which has followed it in use. The value of the goods seized by the Government in these proceedings is insignificant. Although claimant has denied in its answer that the seized goods are misbranded, it appears from all of the circumstances that for all practical purposes the issues raised by the pleadings are moot. Claimant's chief concern is to avoid the hardships of a prolonged trial, and by way of compromise, and without prejudice, it is willing to terminate this proceeding by permitting the seized goods to be condemned without further proceedings. The use of claimant's 'war labels' had been discontinued by the time this proceeding was first set for trial and their use has not since been resumed. The label now in use resembles in general appearance the claimant's pre-war label, save that information as to the artificial character of the flavoring appears on it in three places, and with greater prominence.

"The claimant's 'war label', used on the seized goods and alleged by the libel to constitute misbranding as aforesaid, are all that are now before the Court. The facts found and the decree which may be entered herein are limited in

application to those labels, without prejudice to the rights of the claimant in the label presently used by it for Life Savers having an artificial wild cherry flavor. Furthermore, this proceeding is, of course, without prejudice to the right of the Government to challenge, should it see fit to do so, in a separate, new proceeding, the labels presently used by claimant to determine whether or not such new labels are in full compliance with the requirements of the statute. Upon the stipulation of counsel for claimant made without prejudice and by way of compromise only for the purpose of disposing of this proceeding, claimant concedes and upon its concessions I find the seized goods to be misbranded in the respects alleged in the libel."

On the same date, the court entered a decree condemning the product and ordering its delivery to charitable organizations.

DAIRY PRODUCTS

CHEESE

14770. Action to enjoin and restrain the interstate shipment of cheese. U. S. v. John J. Alder (Minnesota Cave Cheese Co.). Temporary injunction granted. Injunction proceedings subsequently dismissed. (Inj. 171.)

COMPLAINT FILED: August 2, 1947, District of Minnesota, against John J. Alder, doing business as the Minnesota Cave Cheese Co., Carver, Minn.

NATURE OF CHARGE: That at the time of the filing of the complaint, the defendant was, and for several years had been, introducing and delivering for introduction into interstate commerce, cheese which was adulterated as follows: Section 402 (a) (3), the cheese consisted in part of filthy substances; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendant's factory where the cheese had been, and was being, prepared arose out of the presence of insects, rodents, rodent excreta, and other filthy and unwholesome substances in and around places in the factory where the cheese had been, and was being, prepared and stored, and in and around raw materials and equipment used for preparing the cheese; that the insanitary conditions arose also out of the use of filthy milk in manufacturing the cheese; and that the defendant continued to ship in interstate commerce adulterated cheese and would continue to ship such cheese in interstate commerce unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of; and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: On October 10, 1947, the defendant having consented to the entry of a temporary injunction on the condition that it be without prejudice to the defendant's claim with respect to a permanent injunction, an order was entered temporarily enjoining the defendant from introducing or delivering for introduction into interstate commerce, cheese which was adulterated, as alleged in the complaint. On April 29, 1949, the defendant having, in the meantime, sold his business and being no longer engaged in the manufacture of cheese products, an order was entered for the dismissal of the injunction proceedings.

14771. Action to enjoin and restrain the interstate shipment of cheese. U. S. v. Cudahy Packing Co. Tried to the court. Verdict for the defendant; case dismissed. (Inj. No. 205.)

COMPLAINT FILED: January 24, 1949, Eastern District of Oklahoma, against the Cudahy Packing Co., Ada, Okla.

NATURE OF CHARGE: That the defendant had been and was at the time shipping in interstate commerce, cheese which was adulterated as follows: Section 402 (a) (3), it consisted in part of filthy substances such as insect fragments, rodent hair fragments, manure fragments, and feather barbules; and, Section 402 (a) (4), it had been prepared and was being prepared under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendant's plant at Ada, Okla., consisted of the presence of insects and rodents in and around the equipment used for manufacturing, preparing, and packing the cheese, and in other places in the plant where the cheese was prepared or held; and that the defendant continued to ship in interstate commerce, adulterated cheese and would continue to ship such cheese in interstate commerce unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: The defendant filed an answer denying that any cheese had been shipped in interstate commerce since August 1, 1948, which was adulterated as alleged in the complaint, and it requested that the action be dismissed. The case came on for trial before the court on May 13, 1949, at which time the court heard the evidence. Oral argument was had in the matter on May 20, 1949, and on May 23, 1949, the court handed down its findings of fact and conclusions of law, to the effect that there were no present violations of the Act by the defendant and that there were no reasonable grounds to anticipate any future violation of the Act by the defendant. In accordance therewith, a decree was entered on May 24, 1949, denying the Government's application for injunction and ordering the case dismissed.

14772. Adulteration of creamed cottage cheese. U. S. v. The Grantsville Creamery, Inc. Plea of guilty. Fine of \$250 and costs. (F. D. C. No. 26306. Sample Nos. 2228-K, 2229-K, 2231-K to 2233-K, incl., 2251-K, 8899-K.)

INFORMATION FILED: January 10, 1949, District of Maryland, against the Grantsville Creamery, Inc., Grantsville, Md.

ALLEGED SHIPMENT: On or about March 29 and May 17 and 24, 1948, from the State of Maryland into the States of West Virginia and New York.

LABEL, IN PART: "Armour Cloverbloom Pasteurized Creamed Cottage Cheese Armour Creameries-Distributors-General Office Chicago, Ill." or "Pasteurized Popcorn Style Cheese The Grantsville Creamery, Inc. Grantsville, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 4 percent by weight of milk fat had been substituted in part for creamed cottage cheese; and, Section 403 (g) (1), the product fell below the standard of identity for creamed cottage cheese since it contained less than 4 percent by weight of milk fat.

DISPOSITION: April 29, 1949. A plea of guilty having been entered, the defendant was fined \$250, together with costs.

14773. Misbranding of creamed cottage cheese and butter. U. S. v. The Borden Company. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 25329. Sample Nos. 29430-K to 29433-K, incl., 29435-K, 29436-K, 29438-K).

INFORMATION FILED: November 8, 1948, Northern District of Texas, against the Borden Co., a corporation, trading at Amarillo, Tex.

ALLEGED SHIPMENT: On or about June 10, 12, 14, and 15, 1948, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Borden's Creamed Cottage Cheese * * * One Pound Net [or "Net Weight 8 Oz.]" or "Mistletoe Creamery Butter One Pound Net Weight."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), both products failed to bear labels containing an accurate statement of the quantity of the contents (the packages contained less than the declared weight); and, Section 403 (g) (1), (2 lots of creamed cottage cheese) the product fell below the definition and standard of identity for cottage cheese since it contained less than 4 per cent by weight of milk fat.

DISPOSITION: April 18, 1949. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$500 was imposed.

MISCELLANEOUS DAIRY PRODUCTS

14774. Action to enjoin and restrain the interstate shipment of milk and milk products. U. S. v. Adler's Creamery, Inc., Samuel Adler, Inc., and Samuel Adler. Tried to the court. Verdict for the Government. Injunction granted. (Inj. No. 110.)

COMPLAINT FILED: October 15, 1945, Southern District of New York, against Adler's Creamery, Inc., Fort Plain, N. Y., Samuel Adler, Inc., New York, N. Y., and Samuel Adler, president of both corporations.

NATURE OF CHARGE: That the defendants had been and were introducing and delivering for introduction into interstate commerce, milk and milk products which were adulterated as follows: Section 402 (a) (3), the articles consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth.

PRAYER OF COMPLAINT: That the defendants be perpetually enjoined from commission of the acts complained of.

DISPOSITION: The case came on for hearing before the court, and on February 8, 1946, the court handed down the following opinion, findings of fact, and conclusions of law:

CAFFEY, District Judge: "The record is too voluminous to permit detailed discussion of the issues. The allegations of paragraphs 1 to 5 of the complaint are not disputed. However, by stipulation (Exhibit 23), the first named defendant (Adler's Creamery, Inc.) expressly conceded that it manufactured food and food products, consisting of dried milk products as well as food products; also that from time to time these were delivered for introduction into interstate commerce.

"On November 8, 1945, twenty days preceding the stipulation, the defendants filed a joint denial of the sixth and seventh paragraphs of the complaint. With respect to interstate commerce, to the extent stated in the stipulation, the contest of allegations in paragraphs 1 to 5 of the complaint was squarely

withdrawn by Adler's Creamery, Inc. On the face of the papers, this left standing the denials by the other two defendants (Samuel Adler, Inc., and Samuel Adler) of the allegations in paragraphs 6 and 7 of the complaint. In harmony with other phases of this situation, however, as I understood what counsel announced at the oral argument during the trial, Samuel Adler, Inc., then made an express admission substantially to the same effect as that in behalf of the first defendant embodied in Exhibit 23. Nevertheless, assuming that there was no such admission, I think the fact is immaterial. I deem this to be true because of subdivision (d) of Rule 65 of the Rules of Civil Procedure. As will be observed, it is provided therein that 'Every order granting an injunction * * * is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive notice of the order by personal service or otherwise.'

"By reading the opening statements (minutes, pp. 2 to 16) and by discussion at the trial (pp. 470-476), as well as by remarks advanced by the attorney for Samuel Adler, Inc., and Samuel Adler, it will be seen that he brought his clients definitely within Rule 65. Accordingly, to the extent desired that the second and third defendants be affected by the request for an injunction, they stand on the same basis as the first defendant. Indeed, all the defendants should be disposed of precisely as if the second and third defendants had joined the first defendant in resisting the injunction application.

"Again, paragraph 4 of the complaint unambiguously alleged that, during the pertinent period of time involved, the third defendant (Samuel Adler) is and was the president of the other two defendants (Adler's Creamery, Inc., and Samuel Adler, Inc.). Accordingly, by virtue of the last clause of Rule 65 (d) of the Rules of Civil Procedure, the individual defendant (Samuel Adler) was (as he still is) an officer of Adler's Creamery, Inc., and Samuel Adler, Inc. So far, therefore, as concerns procuring an injunction, all the defendants are within the jurisdiction of this court.

"Let it be noted that testimony and documents were submitted at the trial just as if all had emanated from a single person (Samuel Adler). As an incident, it must be remembered that credibility cuts a figure. This does not mean that proof is to be treated as if it arose from different sources or it was designedly in conflict. The defendants may agree or may disagree about their contentions. Nevertheless, although they be criticized, the right to charge them with disagreeing on the same subject or with drawing divergent inferences from it or with having opened themselves to the assertion by the plaintiff that, despite the words used, the defendants in essence are directly at variance.

"Otherwise put, as I see it, the defendants are not entitled to be treated as standing apart from each other rather than as really standing together.

"By reason of the preciseness with which the statutes now before the court are drawn it must not be overlooked that whether the plaintiff may properly have an injunction turns on the exactness of the language Congress has employed. The general principles of law ordinarily followed in an equity suit do not apply. When the legislative branch of the Government has spoken, what it has prescribed is controlling. It is plain that this court must implicitly obey the applicable statutes.

"Four statutory provisions are invoked. These are in Title 21 of the United States Code. They have been authoritatively construed by the courts and, to the extent that their meaning has been adjudicated, we ought to accept their pronouncements. On this account we should give attention to both the relevant statutes and the relevant court decisions.

'Four sections of the Code are pertinent. These are as follows: (1) Acts prohibited by subdivisions (a) (b) and (c) of Section 331. (2) Words or phrases defined by subdivisions (b) and (f) of Section 321. (3) Food deemed adulterated by subdivisions (2) (3) and (4) of Section 342. (4) Apart from subdivisions (e), (f), (h), (i) and (j), jurisdiction is vested in district courts by Section 332 to restrain violations of Section 331.

"Confining ourselves for the moment strictly to the statutes themselves, probably the provisions referred to should be somewhat amplified as follows:

"(1) In Section 331 there are three prohibitions. These are that '(a) The introduction or delivery for introduction into interstate commerce of any

food * * * that is adulterated * * *. (b) The adulteration * * * of any food * * * in interstate commerce. (c) The receipt in interstate commerce of any food * * * that is adulterated. * * *.

"(2) In Section 321 there are two definitions. These are that '(b) The term *interstate commerce* means (1) commerce between any State or Territory and any place outside thereof, * * *. (f) The term *food* means (1) articles used for food or drink for man or other animals * * * and (3) articles used for components of any such article.'

"(3) In Section 342 the pertinent clauses are as follows: 'A food shall be deemed to be adulterated—(a) * * * (3) if it consists in whole or in part of any filthy * * * or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth * * *.'

"(4) The jurisdiction of the district courts, as set out in Section 332, is stated to be that: '(a) The district courts of the United States * * * shall have jurisdiction, for cause shown, * * * to restrain violations of section 331, except paragraphs (e), (f), (h), (i), and (j).'

"Upon the facts, when accurately applied, it seems to me that the record clearly goes far enough to establish violations of the statutory provisions which have heretofore been set out and there is no occasion to go further in order to prove this aspect of the case for the plaintiff.

"On the other hand, the Sections of Title 21 previously referred to being now exactly identified, I think judicial interpretations of the statutes involved will strengthen the position of the plaintiff. Treatment of this branch of the case may be short.

"In *Securities and Exchange Commission v. Jones*, 2 Cir., 85 F. 2d 17 (right column) it was said, 'The attack made upon the bill of complaint because it failed to allege the absence of an adequate remedy at law becomes immaterial, since the injunctive relief is provided by the statute.'

"In the case of *Interstate Commerce Commission v. All American Bus Lines, Inc.*, D. C., S. D. N. Y., 22 F. Supp. 525, 526-7 (beginning at foot of right column p. 526), it was held as follows: 'The right to an injunction being covered by specific statute, the Commission (plaintiff) is not required to prove irreparable injury or other matters ordinarily prerequisite to issuance of injunctive relief. * * * In such a situation an injunction to prevent further violation is called for' (left column p. 527).

"In *United States v. Adler's Creamery*, 2 Cir., 110 F. 2d 482 (right column), it was ruled that 'The claim that it is inequitable to grant a mandatory injunction to collect a debt past due must yield to the statutory provision of such a remedy.'

"Again, in *United States v. 1851 Cartons, etc.*, 10 Cir., 146 F. 2d 760, 761 (right column), the position of the court was as follows: 'Giving effect to the objects and purposes of the legislation, the courts have uniformly held that when a food consisted *in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance* its interstate shipment was prohibited whether otherwise considered as fit for human consumption or not.'

"In *Interstate Commerce Commission v. Consolidated Freightways*, D. C., D. No. Dakota, 41 F. Supp. 651, 656 (left column), the court spoke thus: 'The right to injunction is conferred by a specific statute. Cases cited by the defendant treat with the rule requiring a showing of irreparable injury before the issuance of a temporary injunction, and the right to injunction is not based on any specific statute. These, of course, have no application to the matter here under consideration. The purpose of the statute is to restrain further violations of the Act. The Commission (plaintiff) is not required to prove irreparable damage.'

"The opinion in *United States v. Lazere*, D. C., N. D. Iowa, 56 F. Supp. 730, is important and helpful. It sets out what appears to be the nearest repetition of the statute contained in Sections 331 (a), 342 (a) (3) and (4), and 332 (p. 731, first paragraph of opinion and left column; p. 732, left column and right column near the bottom) are the most comprehensive summary of the statutory provisions embodied in the present form of the law.

"On the fact side the evidence is quite similar. There was interstate trade in bread between Iowa and North Dakota. The Iowa factory and its manufacturing were conducted in Iowa. In that State the character of the food

articles and their condition were not strictly unlike the character and conditions of similar articles produced in and about Fort Plain, New York State (described between the bottom of the left hand column of p. 731 and near the top of p. 732 in the *Lazere* case). What has been criticized as found on the Iowa premises was substantially as follows: rodents in store room; breeding place for rodents across the alley from the factory; excreta from rodents; cockroaches crawling on floor or into containers in factory; filth without fly traps or fly papers; mouse nest in sack of sugar; weevils, worms; difficulty in keeping premises clean because of lack of help; unclean appearance of work room; and odor. As is obvious from the recital of what was on the premises of the Fort Plain plant, what was objected to there is far worse than what was or is on the Iowa factory premises.

"Violation of Title 21 of the United States Code in or about Fort Plain (in New York State) is more vigorously complained of than what was located at the time in Iowa. What Section 331 (a) and Section 342 (a) (3) and (4) by name specifically denounce includes adulteration of food articles.

"Section 332 empowers this court to enjoin violations of Section 331 (save certain obvious exceptions which we must ignore). Equally, basis is conferred to proceed under Section 342.

"Subdivisions (a), (b), (c) of Section 331 authorized the court to treat interstate commerce in food articles as adulterations. What we are obligated to restrain by judgment embraces what is stipulated to be interstate commerce, is conceded to consist of food and is adulterated. Our sole inquiry, therefore, is whether what the proof establishes was adulteration.

"Without more, it is enough to fortify the result stated by reading the definition of the term 'food' contained in subdivision (f) of Section 321. Indeed, more reading furnishes an adequate demonstration that violation of the Sections referred to is adulteration.

"Again, in effect Section 342 (a) (3) and (4) is the same. There the statute has repeated the provision just mentioned. In this section it is required that food be deemed 'adulterated' if, pursuant to Subdivision (a) (3), it be 'filthy' or otherwise unfit for food or if, pursuant to Subdivision (a) (4), it has been prepared or held under 'insanitary conditions' whereby it may have become 'contaminated with filth.' Plainly the evidence brings the case at bar within the *Lazere* case.

"The present case, however, is stronger. In unambiguous language (Section 331), on terms stated, each of the three Subdivisions declares that adulteration is 'prohibited.' On incontrovertible evidence it was further shown that breach of those Subdivisions constitutes violation of the applicable law.

"For support it would be sufficient to rely on the *Lazere* case. As I construe the evidence there summarized, it fully sustains the result reached on the facts in the case at bar.

"Moreover, the *Lazere* case rests on familiar holdings which interpret the word 'adulteration' (Cf. *U. S. v. Schnider*, 246 U. S. 519, 521-2; *Weeks v. U. S.*, 2 Cir. 224 F. 69, 70). As I see it, accordingly in the instant case there is ample evidence which brings this case directly within the *Lazere* case.

"Particularly because the food involved is or should be called filthy, I think there is additional support to which attention should be called. It was announced in *U. S. v. Swift & Co.*, D. C., M. D. Georgia, 53 F. Supp. 1018, 1020 (first sentence in left column), and was quoted in *U. S. v. Lazere*, D. C., N. D. Iowa, 56 F. Supp. 730, 732 (right column a little below the middle of the page). In both cases there was comment on the word 'filthy'. In regard to it, the statement was as follows:

" 'Congress intended that the word *filthy*, as used in the Act, should be construed to have its usual and ordinary meaning, and should not be confined to any scientific or medical definition'.

"Taking the evidence in the common sense way which the *Swift* and *Lazere* cases approve, I feel would be justified. But it seems to me that summarizing the facts has already been enough. Furthermore, the elaborate briefs furnished by counsel have relieved of the necessity of what would be repetitious. On that account I have determined to let the matter stand save only that I shall mention two things.

"The plaintiff is strengthened by two pieces of testimony. The first relates to manure fragments. The other relates to what is called the Strainer Residue

(Exhibit 7). Some of the witnesses made statements in regard to those subjects which impressed me as entitled to a good deal of weight.

"In substance, it was said that manure is soluble in milk and that when it becomes an integral part of the milk it cannot be removed by any presently known process (minutes, pp. 148, 247). The Strainer Residue was discussed somewhat fully and was worthy of consideration in determining how much filth in the milk was shown (pp. 201-3, 225, 532, 881-2). After going over the material connected with the two topics mentioned, however, I have concluded to let review of them, if any, stand without myself going into further details.

"Unavoidably there was bias; but I disclaim attributing to the witnesses any intention to misrepresent the facts.

"Lastly, in the second paragraph of the judgment in the *Swift* case, 53 F. Supp. 1020, the court made this announcement:

Jurisdiction of this cause is retained for the purpose of enforcing or modifying this decree, and for the purpose of granting such additional or supplemental relief as may hereafter appear necessary or appropriate.

"Neither counsel should infer from the clause last quoted above that I shall make use of it. But I have placed it here merely out of abundance of caution, so that I may resort to it if occasion to do so should arise.

"Accordingly, after hearing the parties, I find and decide as follows:

FINDINGS OF FACT

"1. Since on or before and until August 25, 1942, and thereafter to date of suit the defendants were introducing into interstate commerce, and delivering for introduction into interstate commerce, food and food products and more particularly milk, dried milk, milk products and dried milk products.

"2. During such period those articles have been adulterated by the defendants within the meaning of Section 331 (a) of Title 21 of the United States Code.

"3. During such period those articles have been adulterated by the defendants within the meaning of Section 331 (b) of said title.

"4. During such period those articles have been adulterated by the defendants within the meaning of Section 331 (c) of said title.

"5. During such period those articles have been adulterated by the defendants within the meaning of Section 342 (a) (3) of said title.

"6. During such period those articles have been adulterated by the defendants within the meaning of Section 342 (a) (4) of said title.

"7. During such period those articles consist and have consisted in whole and in part of a filthy substance or a substance otherwise unfit for food.

"8. During such period those articles have been prepared, packed or held by the defendants under insanitary conditions.

"9. During such period those articles have been adulterated by the defendants under insanitary conditions whereby they or some of them became contaminated with filth.

"10. During such period those articles by the means aforesaid have become contaminated with filth.

"11. In spite of repeated warnings to the defendants from the Food and Drug Administration of the Federal Security Agency of the plaintiff, the defendants have continued to perform the acts herein above mentioned.

"12. In the service aforesaid to the defendants or to some of the defendants, other than himself or itself, in its capacity and after having received actual notice thereof as an agent, servant or employee of, and in active concert or participation with, the defendant Adler's Creamery, Inc., the defendant Samuel Adler, Inc., has done the acts aforesaid in behalf of such Adler's Creamery.

"13. In the service aforesaid to the defendants or some of the defendants, other than himself or itself, in its capacity and after having received actual notice thereof as an agent, servant or employee of, and in active concert or participation with, the defendant Samuel Adler, Inc., the defendant Adler's Creamery, Inc., has done the acts aforesaid in behalf of such defendant Samuel Adler, Inc.

"14. In the service aforesaid to the defendants or to some of the defendants other than himself or itself, in his capacity and after having received actual notice thereof as an officer of, and in active concert or participation with, the

other defendants, the defendant Samuel Adler throughout has acted as such officer for the other defendants or for the defendant Adler's Creamery, Inc., or the defendant Samuel Adler, Inc.

"15. In the service aforesaid to the defendants or to some of the defendants other than himself or itself, in his capacity and after having received actual notice thereof as president of, and in active concert or participation with the other defendants, Adler's Creamery, Inc., and Samuel Adler, Inc., or one of them, the defendant Samuel Adler served both the other defendants or one of them as president.

CONCLUSIONS OF LAW

"1. The plaintiff is entitled to the judgment prayed for in the complaint.

"2. The plaintiff is entitled to judgment against the defendants and each of them enjoining them from committing any of the violations aforesaid.

"3. The plaintiff is entitled to judgment against the defendants and each of them enjoining them from committing the violations or any of the violations aforesaid of subdivisions (a) (b) and (c) of Section 331 and of subdivisions (b) and (f) of Section 321 and of subdivisions (a) (3) and (4) of Section 342 and of subdivisions other than (f) (g) (h) and (j) of Section 332 of Title 21 of the United States Code.

"4. The plaintiff is entitled to recover from the defendants its costs and disbursements.

DIRECTION FOR JUDGMENT

"1. I direct that judgment in conformity with the foregoing be entered.

"2. The judgment should include a clause in substance to the effect of the second clause of the judgment in *U. S. v. Swift & Co., supra*.

"3. Let judgment be settled accordingly on four days' notice by the parties or the party first proposing it, with leave to the opponents or opponent on one day's notice for the same date to propose a counter form of judgment."

On February 20, 1946, the court issued an order perpetually enjoining the defendants from introducing or delivering for introduction into interstate commerce, milk and milk products which were adulterated as alleged in the complaint. The defendants appealed the judgment to the circuit court of appeals, but on May 24, 1949, by stipulation, the appeal was withdrawn.

14775. Action to enjoin and restrain the interstate shipment of sweet cream, cheese, cheese products, and milk curd. U. S. v. Parley Lambert (Sweet Clover Creamery). Injunction granted. Defendant subsequently adjudged guilty of contempt and fined \$100. (Inj. No. 146.)

COMPLAINT FILED: On or about July 31, 1946, District of Utah, against Parley Lambert, trading as the Sweet Clover Creamery, Mount Emmons, Utah.

NATURE OF CHARGE: The defendant had been, and was at the time, shipping in interstate commerce, sweet cream, cheese, cheese products, and milk curd which were adulterated as follows: Section 402 (a) (3), the articles consisted in part of filthy substances, namely, manure and other ingredients; and, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions.

The complaint alleged further that the buildings, walls, floors, shelves, vats, tanks, churns, and other equipment used in the preparation, packing, and holding of the articles, were infested at the time of such preparation, packing, and holding and continued to be infested with flies, beetles, and other insects, and rodents, and with dust, mold, dirt, excreta of rodents, and other filth; that milk used in the preparation of such foods was contaminated with manure and other matter; that the defendant had been warned that the conditions under which the articles were being prepared, packed, and held were insani-

tary and contrary to the provisions of the Act; and that the defendant, in disregard of the repeated warnings, had continued to prepare, pack, and hold the articles under insanitary conditions and to ship in interstate commerce, quantities of such articles and would continue to so ship such articles unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendant be permanently enjoined from commission of the acts complained of.

DISPOSITION: On October 11, 1946, a temporary order of injunction was entered which enjoined the defendant from introducing for shipment in interstate commerce any food products which had been prepared, packed, or held under insanitary conditions, or which were in any way adulterated within the meaning of the Act. It was ordered that the injunction be in full force and effect until modified, set aside, or made permanent by the further order of the court. The defendant was cited for contempt on or about September 30, 1948, for a violation of the injunction; and on October 9, 1948, after a hearing in the matter at which the defendant in effect pleaded guilty, the court imposed a fine of \$100.

14776. Adulteration and misbranding of condensed buttermilk. U. S. v. 15 Barrels * * *. (F. D. C. No. 25988. Sample No. 25255-K.)

LIBEL FILED: November 1, 1948, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 26, 1948, by Frank Pilley & Sons, Inc., from Springfield, Mo. Accompanying the product were a number of leaflets and circulars.

PRODUCT: 15 500-pound barrels of condensed buttermilk at Waverly, Iowa. Analysis disclosed that the article contained less than 5 percent of lactic acid.

LABEL, IN PART: "Pilley's Farmland Feed Condensed Buttermilk 96½% Condensed Whey 2½% * * * Minimum Analysis * * * Lactic Acid 5.00%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, lactic acid, had been in part omitted.

Misbranding, Section 403 (a), the following statements in the labeling were false and misleading since the product was not effective in the treatment of the diseases and conditions mentioned and was not effective for the purposes stated and implied: (Leaflet entitled "Instructions for Feeding") "For helping to maintain good digestion, and for providing the elements in the diet which promote big litters, easy farrowing, and sturdier, healthier, heavier pigs at farrowing time. * * * Treatment for Necrotic Enteritis * * * Aid in Prevention of Disease * * * to keep the digestive organs functioning properly and thus able to throw off the impurities taken into the bird's system daily. Because of this ability Farmland Condensed Buttermilk Feed is recognized as an aid in the prevention of chicken and poultry diseases * * * Preventing Disease in Baby Chicks and Poults" and (circular entitled "For A Perfectly Balanced Poultry Ration") "For Proper Healthy Growth * * * Maintain Healthier Flocks * * * decreased mortality, sustained good health * * * but also safeguards against * * * leg weakness, coccidiosis and black head. * * * for maintaining good digestion, which all poultry raisers agree is the basis for continuing good health in all poultry, both young and mature birds."

The product was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2670.

DISPOSITION: December 2, 1948. Default decree of condemnation and destruction.

FISH AND SHELLFISH

14777. Adulteration of frozen whiting. U. S. v. General Freezer & Cold Storage Co., Inc. Plea of guilty. Fine, \$400. (F. D. C. No. 24547. Sample Nos. 14102-K, 14303-K.)

INFORMATION FILED: March 17, 1949, District of Massachusetts, against General Freezer & Cold Storage Co., Inc., New Bedford, Mass.

ALLEGED SHIPMENT: On or about September 29 and October 23, 1947, from the State of Massachusetts into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 16, 1949. A plea of guilty having been entered, the defendant was fined \$400.

14778. Adulteration of canned shrimp. U. S. v. 145 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26005, 26008. Sample Nos. 5406-K, 5415-K, 10941-K, 10942-K.)

LIBELS FILED: November 8, 1948, District of Massachusetts and District of Connecticut.

ALLEGED SHIPMENT: On or about August 27, 1948, by A. Hayes Drayage & Storage, Inc., from New Orleans, La.

PRODUCT: 365 cases, each containing 48 5-ounce cans, of shrimp at Somerville, Mass., and East Hartford, Conn.

LABEL, IN PART: (Can) "Susan Brand Wet Pack Shrimp Distributors Walter M. Hudson, Westwego, Louisiana" and "Four Square Brand Wet Pack Shrimp * * * Distributed by Hercules Frosted & Canned Foods, New Orleans, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 7 and 9, 1949. First National Stores, Inc., East Hartford, Conn., claimant for the Connecticut lot, having consented to the entry of a decree, and no claimant having appeared for the Massachusetts lot, judgments of condemnation were entered. The Connecticut lot was ordered released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency, and the Massachusetts lot was ordered destroyed. A total of 12,796 cans were in the Connecticut lot, and of this amount, 7,300 cans were destroyed; the remainder were released for human consumption.

14779. Adulteration of frozen shrimp. U. S. v. 25 Cases * * *. (F. D. C. No. 26482. Sample Nos. 12498-K, 12499-K, 42009-K.)

LIBEL FILED: February 4, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 17, 1949, by Shapiro Fisheries, Inc., from Philadelphia, Pa.

PRODUCT: 25 5-pound cases of frozen shrimp at Chicago, Ill.

LABEL, IN PART: "Packed by Nogales Freezing & Storage Co. Nogales, Ariz. Products of Mexico."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 7, 1949. Shapiro Fisheries, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be denatured for use as bait, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

FRUIT AND FRUIT PRODUCTS*

14780. Adulteration of fruit cocktail. U. S. v. 150 Cases * * *. (F. D. C. No. 26418. Sample No. 33416-K.)

LIBEL FILED: January 20, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 3, 1949, by Hunt Foods, Inc., from San Francisco, Calif.

PRODUCT: 150 cases, each containing 72 cans, of fruit cocktail at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Hunt's Fruit Cocktail Net Wt. 8 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 31, 1949. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the fit from the unfit, under the supervision of the Food and Drug Administration. A total of 20 cases of the product were found unfit and were destroyed on July 8, 1949.

14781. Misbranding of canned peaches. U. S. v. 381 Cases, etc. (F. D. C. No. 26463. Sample Nos. 36599-K, 36600-K, 50101-K.)

LIBEL FILED: On or about March 16, 1949, District of Oregon.

ALLEGED SHIPMENT: On or about January 3, 1949, by the D & D Foods Co., from Wenatchee, Wash.

PRODUCT: 444 cases, each containing 24 cans, of peach halves, and 67 cases, each containing 24 cans, of sliced peaches at Portland, Oreg.

LABEL, IN PART: "Star Dee Brand Yellow Freestone Peaches Halves in Slightly Sweetened Water Net Weight 1 Lb. 13 Oz.," "Star Dee Brand Freestone Peaches Sliced Slightly Sweetened Water Net Weight 1 Lb. 13 Oz.," and "Chick-A-Dee Brand Halves Yellow Freestone Peaches in Heavy Syrup Contents 1 Lb. 13 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), (381 cases of peach halves and 67 cases of sliced peaches) the products failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight.)

*See also No. 14751.

Further misbranding, Section 403 (h) (1), (both lots of peach halves) the products fell below the standard of quality for canned peaches since the largest peach unit in the container was more than twice the size of the smallest, and all of the peach units were not untrimmed or so trimmed as to preserve their normal shape; and their labels failed to bear a statement that the products fell below the standard.

DISPOSITION: April 27, 1949. The D & D Foods Co., and the Food Distributors, claimants, having admitted that the products were misbranded and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

14782. Adulteration of raisins. U. S. v. 100 Cartons * * *. (F. D. C. No. 26496. Sample No. 7913-K.)

LIBEL FILED: February 2, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 27, 1945, from San Francisco, Calif.

PRODUCT: 100 25-pound cartons of black raisins at Pittsburgh, Pa.

LABEL, IN PART: "Alicante Dried Black Grapes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1949. The Savarese Co., Pittsburgh, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good portion from the bad, under the supervision of the Federal Security Agency. As the result of the segregation operations, 51 cartons were set aside and denatured for use as hog feed.

14783. Adulteration and misbranding of plum and grape jelly. U. S. v. 74 Cases, etc. Motion of claimant denied for permission to file cross complaint for damages on breach of warranty. Portion of products condemned and released under bond; remainder condemned and ordered destroyed or reprocessed for use as animal feed. (F. D. C. Nos. 22668 to 22670, incl. Sample Nos. 77201-H to 77203-H, incl., 77205-H to 77211-H, incl.)

LIBEL FILED: March 10, 1947, District of Minnesota; amended libel filed July 5, 1947.

ALLEGED SHIPMENT: On various dates including December 17 and 21, 1946, by the Seminole Fruit & Preserving Co., from Little River, Fla.

PRODUCT: 301 21/24 cases and 99 cases of plum jelly and 244 4/24 cases of grape jelly at Minneapolis, Minn. Each case contained 24 jars.

LABEL, IN PART: (Jars) "Cobbs Pure Tropical Fruit Delicacies Plum [or "Grape"] Jelly * * * Net Wt. 1 lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products of less than 65 percent soluble-solids content had been substituted for plum and grape jelly.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for plum jelly and grape jelly since the soluble-solids content of the articles was less than 65 percent, the minimum permitted by the standards.

DISPOSITION: On July 30, 1947, the Cobbs Fruit & Preserving Co. having filed a claim for 99 cases of the plum jelly, which claim was uncontested, and having consented to the entry of a decree, judgment of condemnation was entered against the 99 cases. These cases were ordered released under bond for reprocessing and relabeling under the supervision of the Federal Security Agency.

Opposing claims were filed with respect to the remainder of the jelly, by the Cobbs Fruit & Preserving Co. and Gamble-Skogmo, Inc., of Minneapolis, Minn.; in addition, a motion was filed by Gamble-Skogmo, Inc., for an order permitting it to file a cross claim against the Cobbs Fruit & Preserving Co. After a hearing on this motion, the court, on September 24, 1947, handed down the following opinion:

NORDBYE, District Judge: "The two claimants to the jelly seized in this proceeding are Cobbs Fruit & Preserving Company, hereinafter called the Cobbs Company, the manufacturer of the product, and Gamble-Skogmo, Inc., which contends that this property was sold to it and the title passed before the seizure. Answers have been filed by both of the claimants, and that issue of ownership is now before the Court on the pleadings filed. But Gamble-Skogmo, Inc., in the motion now presented, seeks an order whereby it will be permitted to file a cross-complaint against the Cobbs Company alleging damages for breach of warranty in the sale of the particular jelly which is the subject matter of this libel proceeding.

"This is a proceeding in rem. The procedure shall conform as nearly as may be to the admiralty rules. But cases arising in admiralty are not particularly helpful, as was recognized by the Supreme Court in *443 Cans of Egg Product v. United States*, 226 U. S. 172, 183, when it made the following observations in a proceeding arising under the Pure Food Act:

We do not think it was intended to liken the proceeding to those in admiralty beyond the seizure of the property by process *in rem*, then giving the case the character of a law action, with trial by jury if demanded and with the review already obtaining in actions at law.

The language in the present statute under the Pure Food and Drug Act with reference to the procedure to be followed is substantially the same as it was when the Supreme Court had the proceeding under the Pure Food Act in the *443 Cans of Egg Product* case.

"At the outset, it must be kept in mind that the only question in the present libel proceeding is whether the merchandise was misbranded in violation of the statutes of the United States, and in determining that question the ownership of the jelly is properly before the Court. It is conceded by the Cobbs Company that the issue of ownership as between the two claimants is a matter that may be litigated in the present proceeding. But that issue is only incidental to the proceeding by the Government to condemn the property. However, as to that issue, the Cobbs Company is willing to admit that title passed to Gamble-Skogmo, Inc., if that company presses that contention in this proceeding. But, obviously, this Court cannot assume jurisdiction of a claim by Gamble-Skogmo, Inc., for breach of warranty against the Cobbs Company. That issue is not within the jurisdiction of this Court. It is a collateral common law proceeding in personam. This is strictly a matter in rem. The Cobbs Company is a resident of Florida. It does not do any business in this State; it has no agent in this State; it has no representative herein upon whom service can be made so as to vest this Court with jurisdiction in the contemplated proceeding embraced within this petition. If this Court did make the order prayed for, and permitted petitioner to file a cross-complaint setting up this claim for breach of warranty, the Cobbs Company could refuse to respond, and any proceedings therein with reference to any personal judgment against the Cobbs Company growing out of a claim for breach of warranty would be utterly void. The only jurisdiction this Court has over the Cobbs Company is with reference to the right of the Government to seize goods in which it claims it has an interest, and it has appeared in this proceeding for that limited purpose and none other.

"In so far as the admiralty procedure may be appropriate, there is no admiralty rule which will avail this petitioner. It refers to Rule 56 of the Admiralty Rules, but the attempt to ingraft on a so-called admiralty proceeding in rem a common law proceeding in personam is completely without the purview of that rule. See *Eggleston v. Republic Steel Corp.* (D. C. W. D. N. Y.) 47 F. Supp. 658. Nor will the fact that the Court has possession of the res permit it to determine any controversy other than the ownership of the property, the ultimate question of misbranding, and the rights of the owners of the property under the statutes if there is misbranding. The claim for damages for breach of warranty does not affect the property seized, nor is that issue one that should be determined in order for the Court in a rem proceeding to adjust all of the rights of the parties in a single suit. The common law claim for damages for breach of warranty growing out of the sale of the merchandise seized and the Cobbs Company's defense thereto are foreign to any issues which this Court should determine in adjusting all of the rights of the parties in the rem proceeding. The determination of the question submitted seems so elementary that to cite authorities in support of the foregoing should be unnecessary.

"Therefore, IT IS ORDERED: That the motion of Gamble-Skogmo, Inc., be, and the same hereby is, in all things denied. An exception is allowed."

On May 21, 1948, the Cobbs Fruit & Preserving Co. and Gamble-Skogmo, Inc., claimants, having admitted the substantial allegations of the libel, judgment was entered providing for condemnation of the jelly, other than the 99 cases mentioned above, and its release under bond to the claimants for segregation of the unfit portion, under the supervision of the Federal Security Agency. Thereafter, a motion for order of default and decree of disposition was filed by the United States attorney, upon the failure of the claimants to file bond and to repossess the product as provided by the decree on May 21, 1948.

A hearing was held on the motion of July 11, 1949, and on July 13, 1949, judgment was entered, holding that the claimants were in default and providing that the product condemned by the decree of May 21, 1948, be disposed of by delivery of the edible portion to charitable institutions and by destruction or reprocessing of the remainder, for use as animal feed.

14784. Misbranding of pineapple-cherry preserves. U. S. v. 12 Cases * * *.
(F. D. C. No. 26451. Sample No. 10822-K.)

LIBEL FILED: February 8, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about March 11 and September 14, 1948, by the Goodman Brothers, Meriden, Conn.

PRODUCT: 12 cases, each containing 24 1-pound jars, of pineapple-cherry preserves at New York, N. Y.

LABEL, IN PART: (Jar) "Old Mill Pure Pineapple-Cherry Preserves."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product fell below the standard of identity for pineapple-cherry preserves since it contained sulfur dioxide and artificial color and flavor, which are not permitted as optional ingredients of pineapple-cherry preserves, and since the weight of the cherry ingredient was less than one-fifth of the weight of the pineapple ingredient.

DISPOSITION: April 14, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

VEGETABLES

14785. Misbranding of canned green beans. U. S. v. 1,400 Cases, etc. (F. D. C. No. 26628. Sample Nos. 37791-K to 37793-K, incl.)

LIBEL FILED: March 10, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about October 9 and November 27, 1948, by Kolstad Canneries, Inc., from Silverton, Oreg.

PRODUCT: Canned green beans. 509 cases, each containing 24 1-pound, 3-ounce cans, and 1,354 cases, each containing 6 6-pound, 5-ounce cans, at Spokane, Wash.

LABEL, IN PART: (Can) "Valley Brand Blue Lake Variety Cut Green Beans" or "Silco Brand Blue Lake Ends and Cut Pieces Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since there were present an excessive number of tough strings and its label did not bear the sub-standard legend.

DISPOSITION: April 18, 1949. Kolstad Canneries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

14786. Misbranding of canned green beans. U. S. v. 612 Cases * * *. (F. D. C. No. 26422. Sample No. 46205-K.)

LIBEL FILED: January 20, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 15, 1948, by Kolstad Canneries, Inc., from Silverton, Oreg.

PRODUCT: 612 cases, each containing 6 No. 10 cans, of green beans at St. Louis, Mo. The product was invoiced as "short cut green beans." No labeling agreement existed between the dealer and the shipper.

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the product was in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (g) (2), the product was canned green beans, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the regulations; and, Section 403 (h) (1), the product fell below the standard of quality for canned green beans since it contained an excessive amount of fibrous material and tough strings, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: February 25, 1949. Kolstad Canneries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was relabeled.

14787. Adulteration of dried lima beans. U. S. v. 114 Bags * * *. (F. D. C. No. 26135. Sample No. 56082-K.)

LIBEL FILED: December 20, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about January 21, 1948, from Sacramento, Calif.

PRODUCT: 114 100-pound bags of dried lima beans at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 1, 1949. R. M. Wilson & Co., New York City, agent for F. H. Woodruff & Co., Inc., Milford, Conn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by fumigating, cleaning, and sifting, and the destruction of the unfit portion, under the supervision of the Food and Drug Administration. The salvage operations resulted in reclamation of 11,335 pounds of the product.

14788. Adulteration of frozen cauliflower. U. S. v. 656 Dozen Packages * * *.
(F. D. C. No. 26476. Sample No. 44337-K.)

LIBEL FILED: January 28, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 12, 1947, by the Blue Lake Packing Co., Salem, Oreg.

PRODUCT: 656 dozen 10-ounce packages of frozen cauliflower at Columbus, Ohio.

LABEL, IN PART: "Snow Crop Frozen Foods Quick Frozen Cauliflower."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 24, 1949. Default decree of destruction.

14789. Adulteration of celery. U. S. v. 490 Crates * * * (and 5 other seizure actions). (F. D. C. Nos. 26518, 26523, 26581, 26582, 26588, 26589. Sample Nos. 7918-K, 9319-K, 9320-K, 46994-K, 48243-K, 48244-K, 48297-K.)

LIBELS FILED: February 8, 10, and 14, 1949, Eastern and Western Districts of Pennsylvania and Southern District of New York.

ALLEGED SHIPMENT: January 25, 26, and 27, 1949, by Christensen Brothers, from Salinas, Calif.

PRODUCT: Celery. 884 crates at Pittsburgh, Pa., 855 crates at Philadelphia, Pa., and 892 crates at New York, N. Y.

LABEL, IN PART: "Beau Knot" or "Verigood Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 11, 21, and 25, and March 1, 1949. M & C Produce Co., Inc., Philadelphia, Pa., claimant for a portion of the lot at Philadelphia, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and reprocessing under the supervision of the Food and Drug Administration. Of the 327 cases that were seized, 150 cases were salvaged. No claimant having appeared for the remaining lots, judgments of condemnation and destruction were entered.

14790. Adulteration of celery. U. S. v. 229 Crates * * * (and 2 other seizure actions). (F. D. C. Nos. 26527, 26528, 26533. Sample Nos. 20565-K, 49401-K, 49403-K.)

LIBELS FILED: February 11, 1949, and on or about February 15, 1949, District of Colorado and Western District of Missouri.

ALLEGED SHIPMENT: On or about January 12, 20, and 27, 1949, by the General Potato & Onion Distributors, Ltd., from Stockton, Calif.

PRODUCT: Celery. 391 crates at Denver, Colo., and 300 crates at Kansas City, Mo.

LABEL, IN PART: "Perfex Brand California Celery Packed by Weyl-Zuckerman & Company Growers and Shippers, Stockton, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 17 and 21, 1949. The Mile High Vegetable Distributors, claimant for one of the Denver lots, and the D'Angelo Celery Co., Kansas City, Mo., claimant for the Kansas City lot, having consented to the entry of decrees, judgments were entered ordering the product released under bond for segregation of the fit portion, under the supervision of the Food and Drug Administration. Of the 232 crates seized at Kansas City, 146 crates were salvaged. None of the Denver lot was salvaged. On March 9, 1949, no claimant having appeared for the remaining Denver lot, a decree was entered ordering the product destroyed.

14791. Adulteration of canned corn. U. S. v. 60 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26534, 26535, 26543. Sample Nos. 18097-K, 40944-K, 40945-K.)

LIBELS FILED: February 21 and 25, 1949, Eastern District of Washington and Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 23 and December 4, 1948, by Libby, McNeill & Libby, from Evansville, Wis.

PRODUCT: Canned corn. 60 cases at Yakima, Wash., and 150 cases at Indianapolis, Ind. Each case contained 48 11-ounce cans.

LABEL, IN PART: "Libby's Golden Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm fragments.

DISPOSITION: April 25, May 20, and June 9, 1949. Default decrees of condemnation. The Indianapolis lot was ordered delivered to an institution, for use as animal feed, and the remaining lots were ordered destroyed.

14792. Adulteration of canned corn. U. S. v. 25 Cases * * *. (F. D. C. No. 26492. Sample No. 20157-K.)

LIBEL FILED: February 8, 1949, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about October 14, 1948, by Stokely-Van Camp, Inc., from Hoopeston, Ill.

PRODUCT: 25 cases, each containing 48 11-ounce cans, of corn at Antlers, Okla.

LABEL, IN PART: "Stokely's Finest Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 24, 1949. Default decree of condemnation. The product was ordered sold for use as animal feed.

14793. Adulteration of canned mustard greens. U. S. v. 39 Cases * * *. (F. D. C. No. 26217. Sample No. 48998-K.)

LIBEL FILED: December 18, 1948, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 20, 1948, by the Pharr Canning Co., Van Buren, Ark.

PRODUCT: 39 cases, each containing 6 6-pound, 2-ounce cans, of mustard greens at Dalhart, Tex.

LABEL, IN PART: "Pharr's Finest Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: March 28, 1949. Default decree of condemnation and destruction.

14794. Adulteration and misbranding of canned field peas with snaps. U. S. v. 69 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26452, 26453. Sample Nos. 874-K, 884-K.

LIBELS FILED: February 8 and March 10, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 30, 1948, by the Ploeger-Abbott Co., from Waynesboro, Ga.

PRODUCT: Canned field peas with snaps. 69 cases at Tampa, Fla., and 148 cases at Lakeland, Fla. Each case contained 48 14½-ounce cans.

LABEL, IN PART: "Golden Isle Tasty Foods Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for peas.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since the cans contained excessive liquid packing medium.

DISPOSITION: April 11, 1949. The Ploeger-Abbott Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

14795. Adulteration of canned tomatoes. U. S. v. 716 Cases * * *. (F. D. C. No. 26434. Sample No. 1535-K.)

LIBEL FILED: February 9, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 30, 1948, by the Watkins Produce Co., from Hague, Va.

PRODUCT: 716 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Jacksonville, Fla.

LABEL, IN PART: (Can) "Cole Brand Tomatoes * * * Packed By C. C. Cole, Hague, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 19, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

14796. Misbranding of canned tomatoes. U. S. v. 899 Cases * * *. (F. D. C. No. 26399. Sample No. 29638-K.)

LIBEL FILED: January 13, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 26, 1947, by the Allen Canning Co., Siloam Springs, Ark.

PRODUCT: 899 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Slaton, Tex.

LABEL, IN PART: (Can) "Allen Hi-Grade Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement that it fell below the standard; and, Section 403 (a), the label statement "Hi-Grade" was false and misleading as applied to a product that was below standard.

DISPOSITION: May 16, 1949. W. B. Hestand Grocery Co., Slaton, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

14797. Misbranding of canned tomatoes. U. S. v. 798 Cases * * *. (F. D. C. No. 26116. Sample No. 23528-K.)

LIBEL FILED: December 13, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 26, 1948, by the Brownsboro Canning Co., from Brownsboro, Tex.

PRODUCT: 798 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Shreveport, La.

LABEL, IN PART: (Can) "Santa Rosa Brand Tomatoes * * * Packed by Brownsboro Canning Co., Brownsboro, Texas" or "Red-Ee Brand Tomatoes * * * Packed By Athens Canning Co. Athens, Texas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality because the strength and redness of color of the tomatoes failed to meet the requirements for color prescribed by the regulations and because it contained peel in excess of the maximum permitted by the standard, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: March 1949. The Brownsboro Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

14798. Adulteration of tomato catsup. U. S. v. 85 Cases * * * (and 5 other seizure actions. (F. D. C. Nos. 26474, 26478 to 26480, incl., 26484, 26894. Sample Nos. 7895-K, 20586-K, 25642-K, 25643-K, 46215-K, 46218-K, 46468-K.)

LIBELS FILED: January 26 and 31 and March 24, 1949, Western District of Pennsylvania, District of Nebraska, Southern District of Iowa, and Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 18, 1948, and January 24, 1949, by the Fettig Canning Corp., Elwood, Ind.

PRODUCT: Tomato Catsup. 85 cases, each containing 24 14-ounce bottles, at Library, Pa.; 22 cases, each containing 6 6-pound, 8-ounce cans, at Omaha, Nebr.; 148 cases, each containing 6 6-pound, 8-ounce cans, and 89 cases, each containing 24 14-ounce bottles, at Des Moines, Iowa; and 450 cases, each containing 24 14-ounce bottle and 124 cases, each containing 6 7-pound cans, at St. Louis, Mo.

LABEL, IN PART: "Mary's Choice [or "Sweet Home Pure" or "Conrad's Darnoc Brand"] Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: Between February 18 and April 18, 1949. Default decrees of condemnation and destruction.

14799. Adulteration of tomato paste. U. S. v. 1,440 Cases * * *. (F. D. C. No. 17537. Sample No. 59608-H.)

LIBEL FILED: February 25, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 3, 1945, by the Capolino Packing Corp., from Atwater, Calif.

PRODUCT: 1,440 cases, each containing 96 7-ounce cans, of tomato paste at Pittsburgh, Pa.

LABEL, IN PART: "Tomato Paste Torino Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed tomato material.)

DISPOSITION: On July 24, 1947, the J. Ossola Co. having appeared as claimant and denied that the product was adulterated, the matter was tried before the court and a verdict was returned for the Government. On May 18, 1948, the product was condemned and ordered destroyed.

14800. Adulteration and misbranding of tomato puree. U. S. v. 14 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26256, 26362. Sample Nos. 23332-K, 23937-K.)

LIBELS FILED: January 3, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 26, 1947, and January 2, 1948, by the Uddo & Taormina Co., from Crystal Springs, Miss.

PRODUCT: Tomato puree. 14 cases at Baton Rouge, La., and 51 cases at New Orleans, La. Each case contained 6 10-ounce cans.

LABEL, IN PART: "Baby Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree. (The standard provides for a minimum of 8.37 percent of salt-free tomato solids in tomato puree.)

DISPOSITION: February 3, 1949. Default decrees of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 14751 TO 14800
PRODUCTS

	N. J. No.		N. J. No.
Animal feed_____	14776	Catsup, tomato_____	14798
Bakery products_____	¹ 14754-14758,	Cauliflower, frozen_____	14788
	² 14765, 14766	Celery_____	14789, 14790
Beans, green, canned_____	14785, 14786	Cereals and cereal products___	¹ 14754-
lima, dried_____	14787		14763, ² 14765, 14766
Bevco Stabilizer_____	14752, 14753	Cheese_____	⁵ 14770-14773, ⁶ 14775
Beverages and beverage mate-		Cottage, creamed_____	14772, 14773
rials_____	³ 14751-14753	Cherries, chocolate-covered_____	14768
Bread_____	14754, 14755	Cherry, wild, Life Savers_____	⁴ 14769
Butter_____	14773	Chocolate and confectionery__	² ⁴ 14764-
Buttermilk, condensed_____	14776		14769
Candy_____	⁴ 14766-14769	Cocktail, fruit_____	14780

See footnotes at end of table, p. 532.

PRODUCTS—Continued

	N. J. No.		N. J. No.
Cones, ice cream	¹ 14758	Milk	² 14774
Confectionery. <i>See</i> Chocolate and confectionery.		curd	⁶ 14775
Cookies	14756, 14766	Muscatel wine	³ 14751
Corn, canned	14791, 14792	Mustard greens, canned	14793
meal	14759, 14760	Peaches, canned	14781
Cottage cheese, creamed	14772, 14773	Peas, field, with snaps, canned	14794
Cream	⁶ 14775	Pineapple-cherry preserves	14784
Dairy products	^{2 5 6} 14770-14776	Plum jelly	⁷ 14783
Enriched flour	14763	Port wine	³ 14751
Feed	14776	Preserves, pineapple-cherry	14784
Fish and shellfish	14777-14779	Pumpnickel bread	14755
Flour	14761-14763	Puree, tomato	14800
Fruits and vegetables	³ 14751, ⁷ 14780-14800	Raisins	14782
Fruit and fruit products	³ 14751, ⁷ 14780-14784	Shellfish. <i>See</i> Fish and shellfish.	
Tomatoes and tomato prod-ucts	14795-14800	Sherry wine	³ 14751
Vegetables	14785-14794	Shrimp, canned	14778
Grape jelly	⁷ 14783	frozen	14779
Greens, mustard, canned	14793	Stabilizer, Bevco	14752, 14753
Ice cream cups and cones	¹ 14758	Tomato(es), canned	14795-14797
Jelly, plum, and grape	⁷ 14783	catsup	14798
fingers	14757	paste	14799
Life Savers, wild cherry	⁴ 14769	puree	14800
Lima beans, dried	14787	Vegetables. <i>See</i> Fruits and vege-tables.	
		Whiting, frozen	14777
		Wine, sherry, port, and musca-tel	³ 14751

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adler, Samuel:		Chocolate Creations, Inc.:	
milk and milk products	² 14774	chocolate rabbits	14767
Adler, Samuel, Inc.:		Christensen Brothers:	
milk and milk products	² 14774	celery	14789
Adler's Creamery, Inc.:		Cobbs Fruit & Preserving Co.	
milk and milk products	² 14774	<i>See</i> Seminole Fruit & Pre-serving Co.	
Alder, J. J.:		Cole, C. C.:	
cheese	⁵ 14770	canned tomatoes	14795
Alexander, A. E., and G. A.:		Continental Baking Co.:	
cookies	14756	bread	14754
Allen Canning Co.:		Cross Baking Co., Inc.:	
canned tomatoes	14796	flour	14762
Armour Creameries:		Crown Candy Co., Inc.:	
creamied cottage cheese	14772	candy	14768
Athens Canning Co.:		Cudahy Packing Co.:	
canned tomatoes	14797	cheese	⁵ 14771
Blue Lake Packing Co.:		D & D Foods Co.:	
frozen cauliflower	14788	canned peaches	14781
Borden Co.:		Dearborn Mills:	
creamied cottage cheese and butter	14773	enriched flour	14763
Brownsboro Canning Co.:		Fettig Canning Corp.:	
canned tomatoes	14797	tomato catsup	14798
Capitol Candy Co., Inc.:		Finnell, Eilene:	
candy and cookies	14766	confectionery and bakery prod-ucts	² 14765
Capolino Packing Corp.:		General Freezer & Cold Storage Co., Inc.:	
tomato paste	14799	frozen whiting	14777
Chandler Laboratories, Inc.:			
Bevco Stabilizer	14752, 14753		

See footnotes at end of table, p. 532.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

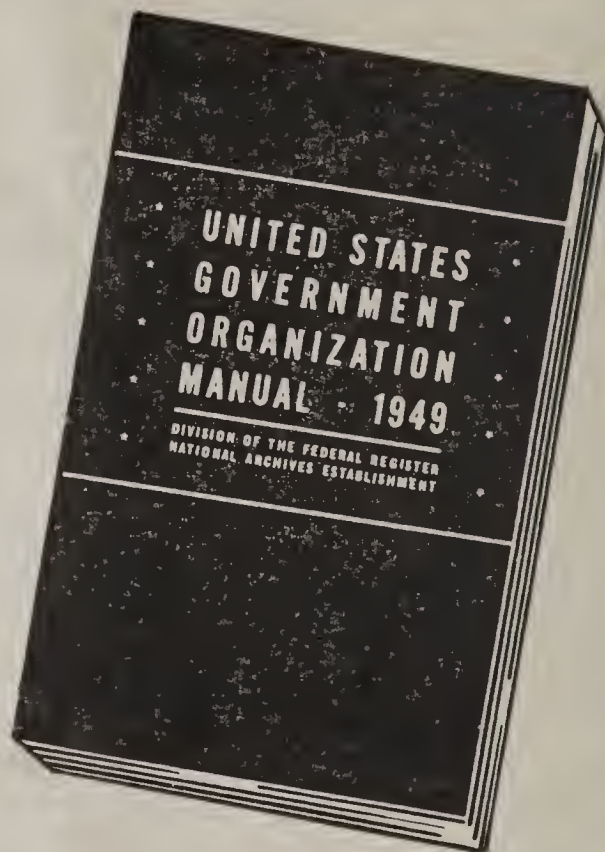
	N. J. No.		N. J. No.
General Potato & Onion Distributors, Ltd.:		Myers & Clark Co., Inc.:	
celery -----	14790	corn meal -----	14759
Godlis, D. H.:		Nogales Freezing & Storage Co.:	
wine -----	³ 14751	frozen shrimp -----	14779
Goodman Brothers:		Nordmann's Bakery:	
pineapple-cherry preserves ----	14784	pumpnickel bread -----	14755
Grantsville Creamery, Inc.:		Pharr Canning Co.:	
creamed cottage cheese -----	14772	canned mustard greens -----	14793
Hayes, A., Drayage & Storage, Inc.:		Piem, Sara:	
canned shrimp -----	14778	ice cream cups and cones ----	¹ 14758
Hercules Frosted & Canned Foods:		Pilley, Frank, & Sons, Inc.:	
canned shrimp -----	14778	condensed buttermilk -----	14776
Hudson, W. M.:		Ploeger-Abbott Co.:	
canned shrimp -----	14778	canned field peas with snaps --	14794
Hunt Foods, Inc.:		Runkle Co.:	
fruit cocktail -----	14780	confectionery and bakery products -----	² 14765
Kolstad Canneries, Inc.:		Sandy Valley Grocery Co.:	
canned green beans -----	14785, 14786	corn meal -----	14760
Lambert, Parley:		Seminole Fruit & Preserving Co.:	
cream, cheese, cheese products, and milk curd -----	⁶ 14775	plum and grape jelly -----	⁷ 14783
Libby, McNeill & Libby:		Shapiro Fisheries, Inc.:	
canned corn -----	14791	frozen shrimp -----	14779
Liberty Cherry & Fruit Co., Inc.:		Stokely-Van Camp, Inc.:	
pumpnickel bread -----	14755	canned corn -----	14792
Life Savers Corp.:		Sweet Clover Creamery. <i>See</i> Lambert, Parley.	
candy -----	⁴ 14769	Uddo & Taormina Co.:	
Magnolia Candy & Cookie Co. <i>See</i> Alexander, A. E., and G. A.		tomato puree -----	14800
Maley, C. E.:		Vintage Wines Co. <i>See</i> Western Wine Corp.	
candy and cookies -----	14766	Watkins Produce Co.:	
Malone, W. J.:		canned tomatoes -----	14795
confectionery and bakery products -----	² 14765	Westerfield, J. H.:	
Maryland Baking Co.:		bread -----	14754
ice cream cups and cones ----	¹ 14758	Western Wine Corp.:	
Minnesota Cave Cheese Co. <i>See</i> Alder, J. J.		wine -----	³ 14751
Morrow Milling Co.:		Weyl-Zuckerman & Co.:	
flour -----	14761	celery -----	14790
		Winchester Milling Co.:	
		corn meal -----	14760
		Zion Candy Industry, Div. of Zion Industries, Inc.:	
		jelly fingers -----	14757

¹ (14758) Prosecution contested. Case dismissed. Contains opinion of the court.² (14765, 14774) Permanent injunction issued. Contains opinion of the court.³ (14751) Prosecution contested.⁴ (14769) Contains findings of fact.⁵ (14770, 14771) Injunction proceedings dismissed.⁶ (14775) Injunction issued.⁷ (14783) Motion denied for filing of cross complaint. Contains opinion of the court.

MANUFACTURER—PRODUCER—BANKER—LAWYER
TEACHER—STUDENT—AVERAGE CITIZEN

Know Your Government!

The Constitution
The Congress
The Courts
Executive Office of
the President
Department of the
Treasury
Bureau of Customs
National Military
Establishment
Federal Security Agency
Food and Drug
Administration
General Services
Administration



Housing and Home
Finance Agency
Selective Service System
Veterans Administration

INFORMATION about these and other Federal departments and agencies is to be found in the 1949 *United States Government Organization Manual*, an authoritative 725-page handbook covering the legislative, executive, and judicial branches of the Government. Issued annually by the Division of the Federal Register, the National Archives Establishment, General Services Administration.

\$1.00 a copy

Order from **SUPERINTENDENT OF DOCUMENTS**
United States Government Printing Office, Washington 25, D. C.

U.S. DEPARTMENT OF ARCHIVES
FEB 28 1950

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14801-14850

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 16, 1950.*

CONTENTS

	Page		Page
Beverages and beverage materials-----	533	Fish and shellfish-----	545
Cereals and cereal products----	536	Fruits and vegetables-----	547
Bakery products-----	536	Canned and dried fruit-----	547
Flour-----	538	Vegetables and vegetable products-----	549
Macaroni and noodle products--	539	Tomatoes and tomato products-----	550
Chocolate and candy-----	541	Index-----	552
Dairy products-----	542		
Butter-----	542		

BEVERAGES AND BEVERAGE MATERIALS

14801. Adulteration and misbranding of lemon juice. U. S. v. 22 Cases * * *
(and 1 other seizure action). (F. D. C. Nos. 26092, 26093. Sample
Nos. 18293-K, 18294-K.)

LIBELS FILED: November 24, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 1, 1948, by the Puritan Company of
America, from Chicago, Ill.

PRODUCT: 77 cases, each containing 24 1-pint bottles, of lemon juice at Cleve-
land, Ohio.

LABEL, IN PART: (Bottle) "Realemon Brand 100% Real California Lemon Juice."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water and concentrated lemon juice had been substituted for 100 percent lemon juice; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength. (The product had been prepared from water and concentrated lemon juice, and examination showed that it contained more water than is needed to reconstitute juice.)

Misbranding, Section 403 (a), the vignette on the label depicting a whole lemon was misleading since it represented and suggested that the product was lemon juice, whereas it was not lemon juice. Further, the following statements on the label were false and misleading as applied to a product which was not real lemon juice but was prepared from concentrated lemon juice and water: "Realemon Brand 100% Real California Lemon Juice * * * Equal to approximately the juice of 16 average lemons. Two tablespoons equal one ounce or about the juice of an average lemon * * * Real lemon juice ready to use * * * Lemon juice varies in color depending upon the season and location in California where the lemons are picked. Write for Free Realemon Recipe Booklet."

The product was alleged also to be misbranded under the provision of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2723.

DISPOSITION: January 12, 1949. Default decrees of condemnation and destruction.

14802. Adulteration of tomato juice. U. S. v. 1,984 Cases * * *. (F. D. C. No. 25109. Sample No. 6468-K.)

LIBEL FILED: July 19, 1948, Western District of New York.

ALLEGED SHIPMENT: On or about June 17 and 18, 1948, by the Francis C. Stokes Co., from Vincentown, N. J.

PRODUCT: 1,984 cases, each containing 6 3-quart cans, of tomato juice at Macedon, N. Y.

LABEL, IN PART: (Can) "Stokes Tomato Juice."

NATURE OF CHARGE. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 21, 1948. John H. Reiners, Jr., receiver of the Francis C. Stokes Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Seizure was effected of 11,844 3-quart cans of the product. The reconditioning operations resulted in the release of 12,036 46-fluid-ounce cans of passable product.

14803. Adulteration of tomato juice. U. S. v. 184 cases * * * (and 1 other seizure action). (F. D. C. Nos. 26488, 26845. Sample Nos. 20587-K, 46113-K.)

LIBELS FILED: January 31, 1949, and on or about March 24, 1949, District of Nebraska and Western District of Missouri.

ALLEGED SHIPMENT: On or about December 7, 1948, and January 3, 1949, by the Vincennes Packing Corp., Vincennes, Ind.

PRODUCT: Tomato juice. 184 cases, each containing 12 1-quart, 14-fluid-ounce cans, at Omaha, Nebr., and 126 cases, each containing 24 1-pint, 2-fluid-ounce cans, at Bolivar, Mo.

LABEL, IN PART: (Can) "Country Garden [or "Vincennes Class A"] Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 4, 1949. The Vincennes Packing Corp., claimant for the Omaha lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. The product was destroyed after an unsuccessful attempt at salvaging. No claimant having appeared for the Bolivar lot, judgment was entered ordering this lot of the product destroyed.

14804. Adulteration of tomato juice. U. S. v. 343 Cases * * *. (F. D. C. No. 26472. Sample No. 27594-K.)

LIBEL FILED: On or about February 3, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 6, 1948, by the Vincennes Packing Corp., from Seymour, Ind.

PRODUCT: 343 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Springfield, Mo.

LABEL, IN PART: "Shurfine Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 23, 1949. The Vincennes Packing Corp. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 294 cases seized, 154 cases were segregated as good and the remainder were destroyed.

14805. Misbranding of tomato juice. U. S. v. 1,662 Cases * * *. (F. D. C. No. 24353. Sample No. 9607-K.)

LIBEL FILED: February 20, 1948, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 23 and 30, 1948, by the Adams Apple Products Corp., from Brooklyn, N. Y.

PRODUCT: 1,662 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Aspers, Pa.

LABEL, IN PART: "D. Mann Tomato Juice."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product fell below the standard of identity for canned tomato juice since it had not been processed by heat so as to prevent spoilage, as required by the regulations. (The product was in part decomposed.)

DISPOSITION: January 3, 1949. The Adams Apple Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Ad-

ministration. Of the 1,662 cases seized, approximately 790 cases were salvaged as passable.

14806. Misbranding of Bevco Stabilizer. U. S. v. 4 Bottles * * *. (F. D. C. No. 26411. Sample No. 9984-K.)

LIBEL FILED: On or about January 27, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about September 23, 1948, by Chandler Laboratories, Inc., from Philadelphia, Pa.

PRODUCT: 4 1-gallon bottles of Bevco Stabilizer at Saugerties, N. Y.

LABEL, IN PART: (Bottle) "Bevco Stabilizer. Directions: Use $\frac{1}{2}$ ounce to each gallon of prepared syrup or to 6 gallons of finished product. * * * contains less than $2\frac{1}{2}\%$ pure quaternary ammonium chloride. * * * is not a finished food product and is for manufacturing use only."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement was misleading since the trade name "Bevco" appearing on the label, coupled with the directions for use, represented to purchasers of the product that it was wholesome and suitable for use as a component of beverages for man, whereas the product contained a quaternary ammonium compound, which was a poisonous and deleterious substance; and the labeling failed to reveal the fact, material in the light of such representations, that the article contained a poisonous and deleterious substance.

DISPOSITION: May 3, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS*

BAKERY PRODUCTS

14807. Adulteration of bakery products. U. S. v. Continental Baking Co. Plea of nolo contendere. Fine \$1,250. (F. D. C. No. 26775. Sample Nos. 45885-K, 45888-K, 45890-K, 46414-K, 46415-K.)

INFORMATION FILED: May 26, 1949, Western District of Tennessee, against the Continental Baking Co., a corporation, Memphis, Tenn.

ALLEGED SHIPMENT: On or about January 12 and 13, 1949, from the State of Tennessee into the State of Arkansas.

LABEL, IN PART: "Wonder Bread [or "Pan Rolls" or "Buns"]" or "Wonder Sandwich Sliced Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, feather fragments, and larvae; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 14, 1949. A plea of nolo contendere having been entered, the defendant was fined \$1,250.

14808. Adulteration of bread and cake. U. S. v. The Covert Baking Co., a corporation, and Jack W. Covert. Pleas of guilty. Corporation fined \$900; individual defendant fined \$600 and sentenced to 60 days in jail and released by order of the court after serving 8 days. (F. D. C. No. 26311. Sample Nos. 19952-K, 19953-K, 44414-K, 44415-K, 44417-K, 44418-K.)

*See also No. 14844.

INFORMATION FILED: January 21, 1949, Southern District of Ohio, against the Covert Baking Co., Middleport, Ohio, and Jack W. Covert, secretary.

ALLEGED SHIPMENT: On or about August 12 and 13, 1948, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Mother's Potato Bread," "Sunny Maid * * * Cake," or "Sunny Maid Whole Wheat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, flies, insect fragments, larvae, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 26, 1949. Pleas of guilty having been entered, the corporation was fined \$900 and the individual defendant was fined \$600 and sentenced to 60 days in jail. After serving 8 days of his sentence, Mr. Covert was released by order of the court.

14809. Adulteration of bread and rolls. U. S. v. Central Baking Co. and Naum G. Bitsoff and Nicholas G. Bitsoff. Pleas of guilty. Each defendant fined \$800. (F. D. C. No. 26760. Sample Nos. 51108-K to 51110-K, incl., 51112-K, 51113-K, 51115-K, 51116-K, 51120-K.)

INFORMATION FILED: March 30, 1949, Southern District of Ohio, against the Central Baking Co., a partnership, Cincinnati, Ohio, and Naum G. Bitsoff and Nicholas G. Bitsoff, partners.

ALLEGED SHIPMENT: On or about January 3, 4, and 7, 1949, from the State of Ohio into the State of Kentucky.

LABEL, IN PART: "Society * * * Bread," "Society Wiener Rolls," or "Society Rolls."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 13, 1949. Pleas of guilty having been entered, each defendant was fined \$800.

14810. Misbranding of bread. U. S. v. Safeway Stores, Inc. (Fairfax Bread Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 26755. Sample Nos. 29863-K, 29942-K, 29943-K, 49121-K, 49123-K, 49124-K, 49126-K, 49127-K.)

INFORMATION FILED: April 7, 1949, District of Utah, against Safeway Stores, Inc., trading as the Fairfax Bread Co., Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about December 29 and 30, 1948, and January 3 and 4, 1949, from the State of Utah into the State of Idaho.

LABEL, IN PART: "Mrs. Wright's Wheat Bread Sliced 1½ Pounds Net," "Mrs. Wright's Enriched White Bread * * * Sliced 1½ Lb. Net," or "Mrs. Wright's Enriched * * * Sliced 1½ Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the loaves weighed less than 1½ pounds, the weight declared on the label.

DISPOSITION: April 28, 1949. A plea of guilty having been entered, the defendant was fined \$150.

14811. Adulteration of a bakery product. U. S. v. 5¼ Cases * * *. (F. D. C. No. 26667. Sample No. 37957-K.)

LIBEL FILED: March 1, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about February 8, 1948, by the Umeya Rice Cake Co., from Los Angeles, Calif.

PRODUCT: 5¼ cases, each containing 24 6-ounce packages, of a bakery product at Seattle, Wash.

LABEL, IN PART: "With Your Beer, Cocktail or Tea Hana Arare."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 29, 1949. Default decree of condemnation and destruction.

FLOUR

Nos. **14812 to 14816** report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

14812. Adulteration of flour. U. S. v. 150 sacks * * *. (F. D. C. No. 26652. Sample No. 13097-K.)

LIBEL FILED: March 14, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about February 24, 1949, by John J. Hess, from Intercourse, Pa.

PRODUCT: 150 100-pound sacks of flour at Trenton, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 7, 1949. John J. Hess, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as foundry flour.

14813. Adulteration of flour. U. S. v. 107 Bags * * *. (F. D. C. No. 26638. Sample No. 13095-K.)

LIBEL FILED: March 9, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 19, 1949, by the Lime Valley Mills, from Lancaster County, Pa.

PRODUCT: 107 100-pound bags of flour at Trenton, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 7, 1949. The Lime Valley Mills, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as paste flour, under the supervision of the Food and Drug Administration.

14814. Adulteration of flour. U. S. v. 41 Bags, etc. (F. D. C. No. 26495. Sample No. 2569-K.)

LIBEL FILED: February 3, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 8 and December 16, 1948, from Wichita, Kans.

PRODUCT: Flour 41 5-pound bags, 841 10-pound bags, and 609 25-pound bags at Hinton, W. Va., in possession of the New River Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product was held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 6, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

14815. Adulteration of flour. U. S. v. 25 Bags * * *. (F. D. C. No. 26663. Sample No. 46464-K.)

LIBEL FILED: March 22, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 23, 1948, from Davenport, Iowa.

PRODUCT: 25 100-pound bags of flour at St. Louis, Mo., in possession of the Tyler Warehouse & Cold Storage Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hair fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 9, 1949. Default decree of condemnation and destruction.

14816. Adulteration of bromated flour. U. S. v. 17 Bags * * *. (F. D. C. No. 26627. Sample No. 5748-K.)

LIBEL FILED: March 16, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about November 1 and December 7, 1948, from Black Rock, N. Y.

PRODUCT: 17 100-pound bags of bromated flour at Manchester, N. H., in possession of Merrimack Farmers Exchange, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 13, 1949. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

14817. Adulteration of macaroni. U. S. v. V. La Rosa & Sons, Inc. Plea of guilty. Fine, \$1,000. (F. D. C. No. 26778. Sample No. 4101-K.)

INFORMATION FILED: April 27, 1949, District of Connecticut, against V. La Rosa & Sons, Inc., Danielson, Conn.

ALLEGED SHIPMENT: On or about December 15, 1948, from the State of Connecticut into the State of Massachusetts.

LABEL, IN PART: "La Rosa One Pound Net Grade A Macaroni Enriched Elbows."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 11, 1949. A plea of guilty having been entered, the defendant was fined \$1,000.

14818. Adulteration of macaroni and noodle products. U. S. v. 37 Cases, etc. (F. D. C. Nos. 26441, 26442. Sample Nos. 41019-K to 41021-K, incl., 41023-K to 41025-K, incl.)

LIBELS FILED: February 8, 1949, District of Montana.

ALLEGED SHIPMENT: On or about December 17 and 28, 1948, by the U. S. Macaroni Mfg. Co., from Spokane, Wash.

PRODUCT: 16,728½ pounds of macaroni and noodle products at Warm Springs and Missoula, Mont.

LABEL, IN PART: (Portions) "Red & White Brand Egg Noodles [or "Shell Macaroni"]" or "U. S. Taystie Brand Home Style Enriched Egg Noodles Wide."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 20, 1949. Default decrees of condemnation. The products were ordered denatured and delivered to a State institution, for use as animal feed.

14819. Adulteration of macaroni and noodle products. U. S. v. 5 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 26653, 26654. Sample Nos. 5727-K to 5730-K, incl.)

LIBELS FILED: March 14, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 14, 1949, by G. D. Del Rossi Co., Inc., from Providence, R. I.

PRODUCT: Macaroni and noodle products. 8 20-pound cartons at Lowell, Mass., and 96 1-pound bags at Methuen, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 11, 1949. Default decrees of condemnation and destruction.

14820. Adulteration of macaroni and noodle products. U. S. v. 9 Cases, etc. (F. D. C. No. 26242. Sample Nos. 40751-K, 40752-K.)

LIBEL FILED: December 29, 1948, District of Montana.

ALLEGED SHIPMENT: On or about November 2, 1948, by the Pacific Coast Macaroni Mfg. Co., from Seattle, Wash.

PRODUCT: 9 cases of Sea Shells and 9 cases of long spaghetti at Billings, Mont.

Each case contained 12 14-ounce packages.

LABEL, IN PART: "Three Monks Brand Sea Shells [or "Long Spaghetti"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 28, 1949. Default decree of condemnation and destruction.

CHOCOLATE AND CANDY

14821. Misbranding of chocolate coating and chocolate liquor. U. S. v. Cocoline Products, Inc., Samuel Klein, and Charles Carriero. Pleas of nolo contendere. Corporation and Samuel Klein each fined \$300 and Charles Carriero fined \$150. (F. D. C. No. 26696. Sample Nos. 9287-K, 10190-K, 10191-K.)

INFORMATION FILED: May 10, 1949, Eastern District of New York, against Cocoline Products, Inc., Long Island City, N. Y., Samuel Klein, president-treasurer, and Charles Carriero, plant superintendent.

ALLEGED SHIPMENT: Between the approximate dates of June 4, 1947, and September 25, 1948, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Congress Light. Van. Choc. Ctg." or "Glenwood Choc. Liq."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the products fell below the definition and standard of identity for chocolate coating and chocolate liquor since they contained more cacao shell than permitted by the definition and standard.

DISPOSITION: June 22, 1949. Pleas of nolo contendere having been entered, the corporation and Samuel Klein each were fined \$300 and Charles Carriero was fined \$150.

14822. Adulteration of candy. U. S. v. Oliver-Finnie Company. Plea of nolo contendere. Fine, \$4,000. (F. D. C. No. 26779. Sample Nos. 23540-K, 45863-K, 45864-K, 45870-K, 45871-K.)

INDICTMENT RETURNED: May 24, 1949, Western District of Tennessee, against the Oliver-Finnie Co., a corporation, Memphis, Tenn.

ALLEGED SHIPMENT: On or about November 18, 19, and 22, 1948, from the State of Tennessee into the States of Louisiana and Arkansas.

LABEL, IN PART: "Silver Moon Candies * * * Creme Gems [or "Old Fashioned Chocolate Drops" or "Orange Jelly Candy Slices"]" or "Polka Dots Candy Coated Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, larvae, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 16, 1949. A plea of nolo contendere having been entered, the defendant was fined \$4,000.

14823. Adulteration of candy. U. S. v. 199 Cases * * *. (F. D. C. No. 26565. Sample No. 46985-K.)

LIBEL FILED: February 25, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 17, 1949, by the Zion Candy Industry, Division of Zion Industries, Inc., from Zion, Ill.

PRODUCT: 199 cases, each containing 10 boxes, of candy at Youngstown, Ohio.

LABEL, IN PART: "120 Ct. Zion Chocolate Marshmallow Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 29, 1949. Default decree of condemnation and destruction.

14824. Misbranding of candy. U. S. v. 192 Packages, etc. (F. D. C. No. 26659. Sample Nos. 5943-K, 5944-K, 62201-K, 62202-K.)

LIBEL FILED: March 16, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 14, 1949, by the Cumberland Valley Products Corp., from Philadelphia, Pa.

PRODUCT: 276 packages of candy at Merrimac, Mass.

LABEL, IN PART: "C. V. Delicious Home Style Fudge Net Wt. 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The product was short-weight.

DISPOSITION: June 22, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14825 to 14827, and that was below the legal standard for milk fat content, Nos. 14828 to 14831.

14825. Adulteration of butter. U. S. v. The Merchants Creamery Co., Inc., and Edwin A. Bischoff. Pleas of guilty. Joint fine of \$3,000. (F. D. C. No. 26297. Sample Nos. 19169-K to 19171-K, incl., 19493-K, 39860-K, 44420-K.)

INFORMATION FILED: December 2, 1948, Southern District of Ohio, against the Merchants Creamery Co., Inc., Cincinnati, Ohio, and Edwin A. Bischoff, president.

ALLEGED SHIPMENT: On or about July 26 and 28 and August 5 and 17, 1948, from the State of Ohio into the States of Pennsylvania, Kentucky, and Indiana.

LABEL, IN PART: "Rose [or "Clover," "Forest Brook," or "Dairy"] Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been

prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 11, 1949. Pleas of guilty having been entered, the defendants were jointly fined \$3,000.

14826. Adulteration of butter. U. S. v. United Dairies, Inc., and Rudolph H. Hollander. Pleas of guilty. Corporation fined \$200 and costs; individual defendant fined \$10. (F. D. C. No. 26777. Sample Nos. 15547-K, 15567-K, 15568-K.)

INFORMATION FILED: May 2, 1949, Northern District of Iowa, against United Dairies, Inc., George, Iowa, and Rudolph H. Hollander, manager.

ALLEGED SHIPMENT: On or about July 19 and October 25, 1948, from the State of Iowa into the State of Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, insect eggs, rodent, cat, and cow hair fragments, feather barbules, manure fragments, mold, rust, plant material, sand, metallic fragments, and dirt.

DISPOSITION: May 17, 1949. Pleas of guilty having been entered, the corporation was fined \$200 and costs and the individual defendant was fined \$10.

14827. Adulteration of butter. U. S. v. 20 Boxes * * * (and 1 other seizure action; 2,542 pounds, total.) (F. D. C. Nos. 26683, 27038. Sample Nos. 43602-K, 43641-K, 43642-K.)

LIBELS FILED: January 18 and February 7, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 18, 1948, and January 12, 1949, by the Sugar Creek Creamery Co., from Evansville, Ind.

PRODUCT: 41 62-pound boxes of butter at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count; and a portion consisted in part of a filthy substance by reason of the presence of insect fragments, including fragments of flies, and rodent hair fragments.

DISPOSITION: March 22, 1949. No claimant having appeared for 20 boxes of the product, that portion was condemned and ordered delivered to a public institution, for use as animal feed. On April 5, 1949, the Sugar Creek Creamery Co., claimant for the remaining 21 boxes, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into butter oil, under the supervision of the Food and Drug Administration.

14828. Adulteration of butter. U. S. v. Goodrich Creamery. Plea of guilty. Fine, \$100. (F. D. C. No. 26758. Sample No. 45535-K.)

INFORMATION FILED: March 24, 1949, District of North Dakota, against the Goodrich Creamery, a partnership, Goodrich, N. Dak.

ALLEGED SHIPMENT: On or about January 15, 1949, from the State of North Dakota into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which

contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 16, 1949. A plea of guilty having been entered, the defendant was fined \$100.

14829. Adulteration of butter. U. S. v. Hillman Cooperative Creamery Association. Plea of guilty. Fine, \$100. (F. D. C. No. 26765. Sample No. 25993-K.)

INFORMATION FILED: April 13, 1949, District of Minnesota, against the Hillman Cooperative Creamery Assn., a corporation, Hillman, Minn.

ALLEGED SHIPMENT: On or about November 17, 1948, from the State of Minnesota into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 3, 1949. A plea of guilty having been entered, the defendant was fined \$100.

14830. Adulteration of butter. U. S. v. 6½ Cases * * *. (F. D. C. No. 26681. Sample Nos. 20110-K, 20114-K.)

LIBEL FILED: March 22, 1949, District of Kansas.

ALLEGED SHIPMENT: On or about March 12, 1949, by the Alma Creamery Co., from Alma, Mo.

PRODUCT: 6½ cases, containing 30 1-pound prints, of butter at Kansas City, Kans.

LABEL, IN PART: "Creamery Butter Armour Creameries—Distributors—Gen'l Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 19, 1949. Armour & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The claimant abandoned the attempt to bring the product up to the legal standard, and on June 30, 1949, the butter was ordered delivered to a charitable institution.

14831. Adulteration of butter. U. S. v. 25 Cubes (1,625 pounds) * * *. (F. D. C. No. 26680. Sample Nos. 37896-K, 37897-K.)

LIBEL FILED: December 14, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about November 27, 1948, by the Omaha Cold Storage Co., from Holdrege, Nebr.

PRODUCT: 25 65-pound cubes of butter at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 30, 1948. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be rechurned under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

14832. Adulteration of frozen rosefish fillets. U. S. v. 295 Cartons * * *.
(F. D. C. No. 26473. Sample No. 25918-K.)

LIBEL FILED: January 25, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about January 11, 1949, by the Booth Fisheries Corp., from Boston, Mass.

PRODUCT: 295 10-pound cartons of frozen rosefish at St. Paul, Minn.

LABEL, IN PART: "Booth Tasty Loins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: February 23, 1949. The Booth Fisheries Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 2,950 pounds seized, 320 pounds were segregated and destroyed, and the remaining 2,630 pounds were passed as fit.

14833. Adulteration and misbranding of canned sardines. U. S. v. 235 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 24674 to 24677, incl., 24731. Sample Nos. 36-K, 22994-K, 22996-K.)

LIBELS FILED: Between the approximate dates of April 19 and June 23, 1948, Southern and Northern Districts of Mississippi and Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about February 18, 1948, by Hampshire Food Co., Inc., from Portsmouth, N. H.

PRODUCT: Canned sardines. 235 cases at Yazoo City, Miss., 192 cases at Greenville, Miss., 375 cases at Greenwood, Miss., 332 cases at Cleveland, Miss., and 894 cases at Charleston, S. C. Each case contained 100 3¼-ounce cans.

LABEL, IN PART: "Northeastern's Tidal Brand Sardines" or "Count Osti Brand Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

Misbranding, Section 403 (d), (Count Osti Brand, 894 cases) the containers were so filled as to be misleading since the sardines occupied only 71 percent of the volume of the cans.

DISPOSITION: On July 27, 1948, Hampshire Food Co., Inc., having appeared as claimant, the cases were consolidated for trial and removed to the District Court for the District of Massachusetts. On February 23, 1949, the claimant filed a motion for the entry of an order permitting relabeling of the product as animal feed. This motion was opposed by the Government, and after hearing, it was denied on May 2, 1949. On June 22, 1949, the product was ordered condemned and destroyed.

14834. Adulteration of canned sardines. U. S. v. 50 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 24678, 24679. Sample Nos. 6903-K, 6904-K.)

LIBEL FILED: June 10, 1948., Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 13, 1948, by the Independent Food Products Co. from Portsmouth, N. H.

PRODUCT: Canned cardines. 50 cases at Johnstown, Pa., and 31 cases at Portage, Pa. Each case contained 100 3¼-ounce cans.

LABEL, IN PART: "Northeastern's Tidal Brand Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: On July 27, 1948, Hampshire Food Co., Inc., having appeared as claimant, the cases were consolidated for trial with other seizure actions and removed to the District Court for the District of Massachusetts. On February 23, 1949, the claimant filed a motion for the entry of an order permitting relabeling of the product as animal feed. This motion was opposed by the Government, and after hearing, it was denied on May 2, 1949. On June 22, 1949, the product was ordered condemned and destroyed.

14835. Adulteration of crab meat. U. S. v. Kelly Watson (Kelly Watson & Co.).
Plea of nolo contendere. Fine, \$100. (F. D. C. No. 25304. Sample Nos. 2045-K, 2046-K, 2054-K, 40131-K.)

INFORMATION FILED: September 22, 1948, Eastern District of North Carolina, against Kelly Watson, trading as Kelly Watson & Co., Lowland, N. C.

ALLEGED SHIPMENT: On or about June 16, 22, and 29, 1948, from the State of North Carolina into the State of Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1949. A plea of nolo contendere having been entered, the defendant was fined \$100.

14836. Adulteration of canned rock lobster. U. S. v. 21 Cases * * *. (F. D. C. No. 25916. Sample No. 34015-K.)

LIBEL FILED: November 10, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about October 27, 1948, from San Francisco, Calif.

PRODUCT: 21 cases, each containing 48 cans, of rock lobster at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of decomposed lobster meat. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 2, 1949. Default decree of condemnation and destruction.

14837. Adulteration of frozen shrimp. U. S. v. 600 Cases * * *. (F. D. C. No. 26283. Sample No. 20589-K.)

LIBEL FILED: January 14, 1949, District of Nebraska.

ALLEGED SHIPMENT: On or about December 7, 1948, by Rubenstein & Son Produce, Inc., from Nogales, Ariz.

PRODUCT: 600 cases, each containing 10 5-pound packages, of frozen shrimp at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 1, 1949. Rubenstein & Son Produce, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit, under the supervision of the Food and Drug Administration. Of the 29,500 pounds seized, 16,564 pounds were segregated as passable.

14838. Adulteration of frozen shrimp. U. S. v. 171 Cases * * *. (F. D. C. No. 26559. Sample Nos. 39674-K, 39675-K.)

LIBEL FILED: On or about March 14, 1949, Western District of Texas.

ALLEGED SHIPMENT: On or about January 10, 1949, by the Nogales Freezing & Storage Co., Ltd., from Nogales, Ariz.

PRODUCT: 171 cases, each containing 10 5-pound cartons, of frozen shrimp at El Paso, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 16, 1949. The Mid Central Fish Co., El Paso, Tex., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law. The fit portion of the product was separated from the unfit, which resulted in the salvage of 123.7 cases of passable shrimp.

14839. Adulteration of frozen shrimp. U. S. v. 100 Cartons * * *. (F. D. C. No. 26413. Sample Nos. 12498-K, 12499-K.)

LIBEL FILED: January 18, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 10, 1948, by the Shapiro Fisheries, from Nogales, Ariz.

PRODUCT: 100 cartons, each containing 10 5-pound packages, of frozen shrimp at Philadelphia, Pa.

LABEL, IN PART: (Package) "Packed by Nogales Freezing & Storage Co., Nogales, Ariz. Products of Mexico."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 10, 1949. The Shapiro Fisheries, Nogales, Ariz., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion. Of the 3,350 pounds seized, 1,700 pounds were passed as fit, and the remainder were disposed of for use as fertilizer.

FRUITS AND VEGETABLES*

CANNED AND DRIED FRUIT

14840. Misbranding of canned apricots. U. S. v. 94 Cases * * *. (F. D. C. No. 26634. Sample No. 56102-K.)

LIBEL FILED: On March 9, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 14, 1946, by Fair View Packing Co., Inc., from Hollister, Calif.

*See also No. 14801.

PRODUCT: 94 cases, each containing 6 6-pound, 12-ounce cans, of apricots at New York, N. Y.

LABEL, IN PART: (Can) "Headline Fancy Whole Unpeeled Apricots."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading since the product was not of fancy quality; and, Section 403 (h) (2), the product fell below the standard of fill of container for canned apricots, and its label failed to bear the substandard legend. Examination showed that the product fell below fancy quality on account of color, ripeness, and defects.

DISPOSITION: July 26, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution, after withdrawal of additional samples by the Food and Drug Administration.

14841. Misbranding of canned pears. U. S. v. 35 Cases * * *. (F. D. C. No. 26646. Sample No. 41428-K.)

LIBEL FILED: April 20, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 1, 1949, by the D & D Foods Co., from Wenatchee, Wash.

PRODUCT: 35 cases, each containing 6 6-pound, 10-ounce cans, of pears at Philadelphia, Pa.

LABEL, IN PART: (Can) "Star Dee Brand Bartlett Pears Halves in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since the weight of the largest unit in the container was more than twice the weight of the smallest unit; not all of the units were untrimmed, or so trimmed as to preserve normal shape; more than 10 percent of the units in the container were broken; and the label failed to bear the statement that the product fell below the standard.

DISPOSITION: June 28, 1949. The D & D Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

14842. Misbranding of canned peaches. U. S. v. 598 Cases * * *. (F. D. C. No. 26666. Sample No. 46228-K.)

LIBEL FILED: February 28, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 20, 1948, by Color Flavor Products, Inc., from Palisade, Colo.

PRODUCT: 598 cases of canned peaches at St. Louis, Mo.

LABEL, IN PART: "Welch's Halves Yellow Freestone Elberta Peaches In Extra Heavy Syrup Contents 1 Lb. 14 Oz. Packed By The Welch Grape Juice Company, Westfield, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional packing medium present in the article. The label of the article bore the statement "In Extra Heavy Syrup" whereas it was packed in sirup designated as "Heavy Sirup" in such standard.

DISPOSITION: April 6, 1949. The Welch Grape Juice Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was relabeled on or about July 19, 1949.

14843. Adulteration of dried peaches and apricots. U. S. v. 100 Cases * * *
(and 2 other seizure actions). (F. D. C. Nos. 24467, 24477, 24596. Sample Nos. 24543-K, 26676-K, 32242-K.)

LIBELS FILED: March 3 and 9 and April 13, 1948, Southern District of Texas, District of Minnesota, and Southern District of Illinois.

ALLEGED SHIPMENT: On or about December 31, 1947, and January 23 and March 17, 1948, by the Vagin Packing Co., Fresno, Calif.

PRODUCT: 100 30-pound cartons of dried peaches at Stillwater, Minn., and 571 25-pound cases of dried peaches at Houston, Tex., and 14 30-pound cartons of dried apricots at Pekin, Ill.

LABEL, IN PART: "Home Pak Brand Varigrade Recleaned Peaches [or "Choice Yellow Peaches" or "Slab Blenheim Apricots"] Packed by [or "Distributed By"] Fresno Home Packing Co. Fresno, Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the peaches consisted in whole or in part of a filthy substance by reason of the presence of insect-infested, moldy, and dirty peaches, and the apricots of a filthy substance by reason of the presence of insect-infested and dirty apricots.

DISPOSITION: June 30, 1948. The John Bremond Co., Austin Tex., claimant for the 571 cases of peaches at Houston, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

The product was shipped to San Francisco for reconditioning, but was delayed in transit for several weeks by a maritime strike. Upon arrival at San Francisco, it was denatured and fed to hogs, at the request of the firm to whom it had been consigned for reconditioning. On April 20 and June 21, 1948, no claimant having appeared for the remaining lots, decrees of condemnation were entered and the products were ordered disposed of for use as animal feed or destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

14844. Adulteration of potato chips and popcorn. U. S. v. Old Vienna Products Co. Plea of nolo contendere. Fine, \$600. (F. D. C. No. 26757. Sample Nos. 46406-K to 46408-K, incl.)

INFORMATION FILED: On or about March 18, 1949, Eastern District of Missouri, against the Old Vienna Products Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about December 29, 1948, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Old Vienna Potato Chips [or "Pop Corn"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence (in the potato chips) of insect fragments and roach excreta pellets and (in the popcorn) insect fragments, rodent hair fragments, and cat hair fragments; and, Section 402

(a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 29, 1949. A plea of nolo contendere having been entered, the defendant was fined \$600.

14845. Adulteration of canned beans and pork. U. S. v. 30 Cases * * *. (F. D. C. No. 26668. Sample No. 39842-K.)

LIBEL FILED: March 2, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 22, 1947, from Humboldt, Tenn.

PRODUCT: 30 cases, each containing 24 1-pound, 4-ounce cans, of beans and pork at South Bend, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 4, 1949. Default decree of condemnation and destruction.

14846. Misbranding of canned green beans. U. S. v. 280 Cases * * *. (F. D. C. No. 26648. Sample No. 50404-K.)

LIBEL FILED: March 18, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about October 12, 1948, by Kolstad Canneries, Inc., from Silverton, Oreg.

PRODUCT: 280 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Boise, Idaho.

LABEL, IN PART: (Can) "Ropak Brand Blue Lake Variety Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since it contained an excessive amount of tough strings and an excessive number of blemished units, and it failed to bear the statement that it was below the standard.

DISPOSITION: April 27, 1949. Kolstad Canneries, Inc., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled.

TOMATOES AND TOMATO PRODUCTS*

14847. Adulteration and misbranding of canned tomatoes. U. S. v. 507 Cases * * *. (F. D. C. No. 26633. Sample No. 44718-K.)

LIBEL FILED: March 8, 1949, District of North Dakota.

ALLEGED SHIPMENT: On or about August 19, 1948, by the Davis Canning Co., from Westville, Okla.

PRODUCT: 507 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Grand Forks, N. Dak.

LABEL, IN PART: (Can) "Mayfield Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and since it contained excessive tomato peel and excessive blemishes; and its label failed to bear a statement that it fell below the standard.

*See also Nos. 14802-14805.

DISPOSITION: June 28, 1949. Default decree of condemnation and destruction.

14848. Misbranding of canned tomatoes. U. S. v. 48 Cases * * *. (F. D. C. No. 26632. Sample No. 46115-K.)

LIBEL FILED: On or about March 22, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 5, 1948, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 48 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Carthage, Mo.

LABEL, IN PART: "The Allens Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and since it contained excessive tomato peel and excessive blemishes; and its label failed to bear a statement that it fell below the standard.

DISPOSITION: May 25, 1949. Default decree ordering the product delivered to a charitable institution.

14849. Adulteration of tomato puree. U. S. v. 1,272 cases * * *. Tried to a jury; verdict for the Government. Product condemned and destroyed. (F. D. C. No. 19287. Sample No. 6124-H.)

LIBEL FILED: March 2, 1946, Northern District of New York.

ALLEGED SHIPMENT: On or about November 8, 1945, by the Capolino Packing Corp., from Atwater, Calif.

PRODUCT: 1,272 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Utica, N. Y.

LABEL, IN PART: "Tioga Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 31, 1947. The Scientific Nutrition Corp., Atwater, Calif., having appeared as claimant, the case came on for trial before a jury, which returned a verdict for the Government. On December 5, 1947, a decree was entered condemning the product and ordering it disposed of in compliance with the law. On December 18, 1947, the claimant moved to show cause why the merchandise should not be released for export to Cuba. The matter was argued before the court on December 30, 1947, and was taken under advisement. On August 7, 1948, the court denied the claimant's motion to export and ordered the product destroyed by the marshal.

14850. Adulteration of tomato puree. U. S. v. 1,498 Cases * * * (and 1 other seizure action.) (F. D. C. Nos. 19024, 19728. Sample No. 8179-H.)

LIBELS FILED: February 5 and May 1, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1945, by the Capolino Packing Corp., Atwater, Calif.

PRODUCT: 1,725 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at New York.

LABEL, IN PART: "Torino Fancy Tomato Puree * * * Italian Style Packed in Calif. Distributors J. Ossola Co. New York, N. Y. Pittsburgh, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: On February 10, 1948, the cases were consolidated. The sole intervener having withdrawn his claim, a default decree of condemnation and destruction was entered on October 21, 1948.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 14801 TO 14850

PRODUCTS

	N. J. No.		N. J. No.
Apricots, canned	14840	Hana Arare (bakery product)	14811
dried	14843	Lemon juice	14801
Bakery products	14807, 14811	Lobster, rock, canned	14836
Beans, with pork, canned	14845	Macaroni and noodle products	14817-14820
green, canned	14846	Noodles. See Macaroni and noodle products.	
Bevco Stabilizer	14806	Peaches, canned	14842
Beverages and beverage materials	14801-14806	dried	14843
Bread	14807-14810	Peanuts, candy-coated	14822
Buns	14807	Pears, canned	14841
Butter	14825-14831	Popcorn	14844
Cake	14808	Potato chips	14844
Candy	14822-14824	Rolls	14807, 14809
Cereals and cereal products	14807-14820, 14844	Rosefish fillets, frozen	14832
Chocolate coating and chocolate liquor	14821	Sardines, canned	14833, 14834
Crab meat	14835	Shellfish. See Fish and shellfish.	
Dairy products	14825-14831	Shrimp, frozen	14837-14839
Fish and shellfish	14832-14839	Spaghetti. See Macaroni and noodle products.	
Flour	14812-14816	Stabilizer, Bevco	14806
Fruits and vegetables	14801-14805, ¹ 14840-14850	Tomato(es), canned	14847, 14848
fruit, canned	14840-14842	juice	14802-14805
dried	14843	puree	¹ 14849, 14850
tomatoes and tomato products	14802-14805, ¹ 14847-14850	Vegetables. See Fruits and vegetables.	
vegetables and vegetable products	14844-14846		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams Apple Products Corp.:		Central Baking Co.:	
tomato juice	14805	bread and rolls	14809
Allen Canning Co.:		Chandler Laboratories, Inc.:	
canned tomatoes	14848	Bevco Stabilizer	14806
Alma Creamery Co.:		Cocoline Products, Inc.:	
butter	14830	chocolate coating and chocolate liquor	14821
Armour Creameries:		Color Flavor Products, Inc.:	
butter	14830	canned peaches	14842
Bischoff, E. A.:		Continental Baking Co.:	
butter	14825	bakery products	14807
Bitsoff, Naum G., and Nicholas G.:		Covert, J. W.:	
bread and rolls	14809	bread and cake	14808
Booth Fisheries Corp.:		Covert Baking Co.:	
frozen rosefish fillets	14832	bread and cake	14808
Capolino Packing Corp.:		Cumberland Valley Products Corp.:	
tomato puree	¹ 14849, 14850	candy	14824
Carriero, Charles:			
chocolate coating and chocolate liquor	14821		

¹ (14849) Seizure contested.

	N. J. No.		N. J. No.
D & D Foods Co. :		Nogales Freezing & Storage Co. :	
canned pears -----	14841	frozen shrimp -----	14838, 14839
Davis Canning Co. :		Old Vienna Products Co. :	
canned tomatoes -----	14847	potato chips and popcorn -----	14844
Del Rossi, G. D., Co., Inc. :		Oliver-Finnie Co. :	
macaroni and noodle products -----	14819	candy -----	14822
Fair View Packing Co., Inc. :		Omaha Cold Storage Co. :	
canned apricots -----	14840	butter -----	14831
Fairfax Bread Co. <i>See Safeway</i>		Ossola, J., Co. :	
Stores, Inc.		tomato puree -----	14850
Fresno Home Packing Co. :		Pacific Coast Macaroni Mfg. Co. :	
dried peaches and apricots -----	14843	macaroni and noodle products -----	14820
Goodrich Creamery :		Puritan Company of America :	
butter -----	14828	lemon juice -----	14801
Hampshire Food Co., Inc. :		Rubenstein & Son Produce, Inc. :	
canned sardines -----	14833	frozen shrimp -----	14837
Hess, J. J. :		Safeway Stores, Inc. :	
flour -----	14812	bread -----	14810
Hillman Cooperative Creamery		Shapiro Fisheries :	
Assn. :		frozen shrimp -----	14839
butter -----	14829	Stokes, Francis C., Co. :	
Hollander, R. H. :		tomato juice -----	14802
butter -----	14826	Sugar Creek Creamery Co. :	
Independent Food Products Co. :		butter -----	14827
canned sardines -----	14834	Tyler Warehouse & Cold Storage	
Kelly Watson & Co. <i>See Watson,</i>		Co. :	
Kelly.		flour -----	14815
Klein, Samuel :		Umeya Rice Cake Co. :	
chocolate coating and chocolate		bakery product -----	14811
liquor -----	14821	United Dairies, Inc. :	
Kolstad Canneries, Inc. :		butter -----	14826
canned green beans -----	14846	U. S. Macaroni Mfg. Co. :	
La Rosa, V., & Sons, Inc. :		macaroni and noodle products -----	14818
macaroni -----	14817	Vagin Packing Co. :	
Lime Valley Mills :		dried peaches and apricots -----	14843
flour -----	14813	Vincennes Packing Corp. :	
Mann, D. :		tomato juice -----	14803, 14804
tomato juice -----	14805	Watson, Kelly :	
Merchants Creamery Co., Inc. :		crab meat -----	14835
butter -----	14825	Welch Grape Juice Co. :	
Merrimack Farmers Exchange,		canned peaches -----	14842
Inc. :		Zion Candy Industry, Div. of Zion	
bromated flour -----	14816	Industries, Inc. :	
New River Grocery Co. :		candy -----	14823
flour -----	14814		

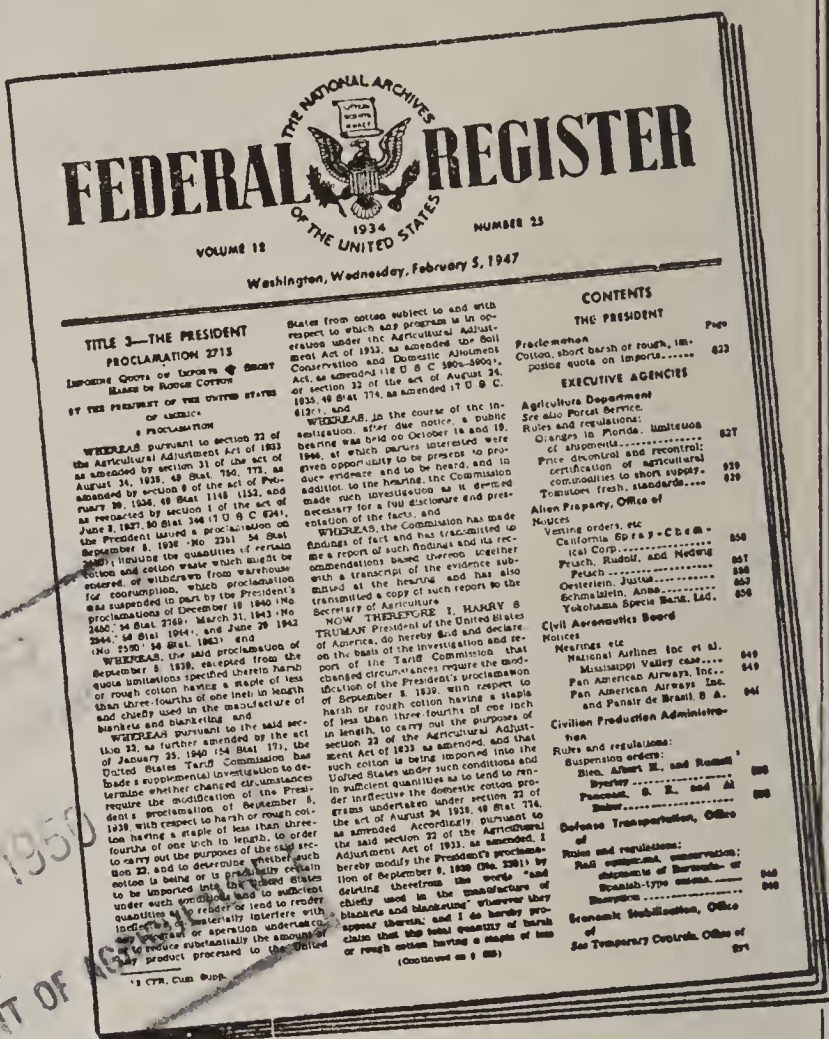
A New Service by the

FEDERAL REGISTER

The scope of the FEDERAL REGISTER has been expanded by the "Administrative Procedure Act" (Public Law 404—79th Congress, approved June 11, 1946), specifically requiring publication of—

1. Agency organization and procedure,
2. Substantive rules and statements of general policy or interpretations,
3. Notice of proposed rule making,

and further providing that no person shall in any manner be required to resort to organization or procedure not so published.



**A sample copy and information on request to the Federal Register
National Archives, Washington 25, D. C.**

THE FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect. A partial list of subjects covered includes:

Agriculture	Customs	Labor Relations	Shipping
Aliens	Fair Trade Practices	Mineral Resources	Surplus Property
Aviation	Food and Drugs	Procurement	Taxation
Business Credit	Foreign Relations	Reconversion	Transportation
Communications	Housing	Securities	Wages and Hours

Order from
**SUPERINTENDENT OF DOCUMENTS
U. S. GOVERNMENT PRINTING OFFICE
WASHINGTON 25, D. C.**

**\$4.50 A MONTH
\$15 A YEAR**
Order by Catalog No.
FR 47—Federal Register

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14851-14900

FOODS

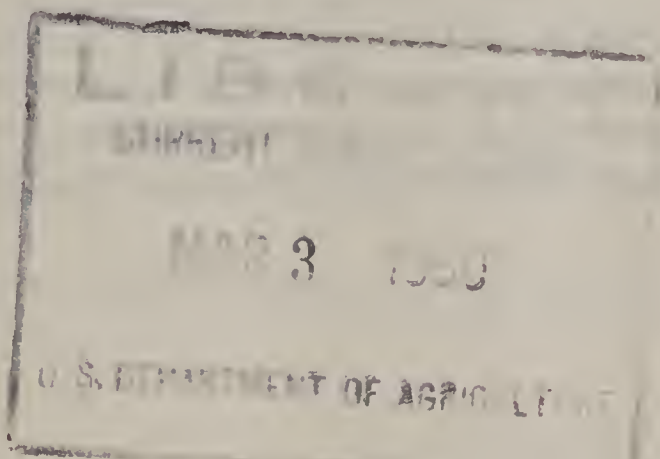
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., January 16, 1950.

CONTENTS

	Page		Page
Beverages and beverage materials	556	Fish	566
Candy	557	Fruits and vegetables	567
Cereals and cereal products	559	Canned fruit	567
Bakery products	559	Vegetables	568
Flour	560	Tomatoes and tomato products	568
Miscellaneous cereals and cereal products	562	Nuts	570
Eggs	564	Vitamin, mineral, and other products of special dietary significance	571
Feeds and grains	564		



BEVERAGES AND BEVERAGE MATERIALS

14851. Action to enjoin and restrain the interstate shipment of fruit juices.
U. S. v. Ray A. Keymel Co., Inc. Consent decree granting injunction.
(Inj. No. 201.)

COMPLAINT FILED: October 4, 1948, Western District of New York, against Ray A. Keymel Co., Inc., Ontario, N. Y.

NATURE OF CHARGE: That the defendant had been and was at the time introducing and delivering for introduction into interstate commerce at Ontario, N. Y., fruit juices which were adulterated in the following respects: Section 402 (a) (3), the products consisted in whole or in part of filthy and decomposed substances, such as decayed fruit material; and, Section 402 (a) (4), the products had been and were still being prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that the filthy and decomposed substances of which the products consisted, in whole or in part, were derived from rotten, decayed, moldy, and wholly or partly fermented fruit which was pressed by the defendant to obtain the fruit juices; that the insanitary conditions in the defendant's plant consisted of, and resulted from, the use in the manufacture of the fruit juices of rotten, decayed, moldy, and wholly or partly fermented fruit, the presence of vinegar flies and other insects in and around the plant, the equipment used in preparing, packing, and holding the juices, and also from general carelessness on the part of the defendant; and that the defendant continued to ship in interstate commerce adulterated fruit juices and would continue to so ship such fruit juices unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: November 23, 1948. The defendant having consented to the entry of a decree, the court issued an order perpetually enjoining the defendant from shipping in interstate commerce any fruit juices which were adulterated as alleged in the complaint.

14852. Misbranding of Bevco Stabilizer. U. S. v. 7 Bottles * * *. (F. D. C. No. 26867. Sample No. 20200-K.)

LIBEL FILED: On or about March 25, 1949, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about October 20, 1948, by Chandler Laboratories, Inc., from Philadelphia, Pa.

PRODUCT: 7 1-gallon bottles of Bevco Stabilizer at Seminole, Okla.

LABEL, IN PART: "Bevco Stabilizer * * * Directions Use $\frac{1}{2}$ ounce to each gallon of prepared syrup or to 6 gallons of finished product * * * contains less than 2½% pure quaternary ammonium chloride."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since the trade name Bevco appearing thereon, coupled with the directions for use, represented to purchasers that the product was wholesome and suitable for use as a component for beverages for man, whereas the product contained a quaternary ammonium compound which is a poisonous and deleterious substance, and the labeling failed to reveal that fact.

DISPOSITION: June 21, 1949. Default decree of condemnation and destruction.

CANDY

14853. Adulteration of candy. U. S. v. 30 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 26836, 26860. Sample Nos. 2586-K, 2587-K.)

LIBELS FILED: March 9 and 21, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about February 10 and 18, 1949, by the Maple Dell Candy Co., from Columbus, Ohio.

PRODUCT: 10 cases, each containing 12 boxes, of candy; and 30 boxes of candy at Charleston, W. Va. Each box contained 24 1¼-ounce bars of candy.

LABEL, IN PART: "Mountain Tops."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts, rodent hair fragments, and rodent excreta pellets; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 27, 1949. Default decrees of condemnation and destruction.

14854. Adulteration of candy. U. S. v. 16 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 26890, 26891. Sample Nos. 42327-K, 42330-K.)

LIBELS FILED: March 23, 1949, Western District of Michigan.

ALLEGED SHIPMENT: On or about January 19 and 24, 1949, by the Commercial Candy Mfg. Co., from Chicago, Ill.

PRODUCT: Candy. 22 boxes at Muskegon Heights, Mich., and 16 boxes at Grand Rapids, Mich. Each box contained 30 pounds.

LABEL, IN PART: "Jelly Bird Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and was otherwise unfit for food by reason of the presence of wood fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 5, 1949. Default decrees of condemnation and destruction.

14855. Adulteration of candy. U. S. v. 49 Cartons * * *. (F. D. C. No. 26870. Sample No. 7933-K.)

LIBEL FILED: March 17, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 8, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 49 cartons, each containing 24 1-pound boxes, of candy at Pittsburgh, Pa.

LABEL, IN PART: "Chocolate Covered Cordial Cherries in Cream."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of wood splinters; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

14856. Adulteration of candy. U. S. v. 5 Cartons * * *. (F. D. C. No. 26869. Sample No. 7722-K.)

LIBEL FILED: March 17, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about February 15, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 5 35-pound cartons of candy at Buffalo, N. Y.

LABEL, IN PART: "Black Jelly Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 16, 1949. Default decree of condemnation and destruction.

14857. Adulteration of candy. U. S. v. 10 Cartons * * *. (F. D. C. No. 26880. Sample No. 7935-K.)

LIBEL FILED: March 21, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 11, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 10 cartons, each containing 36 3-ounce packages, of candy at Pittsburgh, Pa.

LABEL, IN PART: "Riggi Chocolate Cherries * * * Net Weight 3 Ounces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 9, 1949. Default decree of condemnation and destruction.

14858. Adulteration of candy. U. S. v. 17 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26548, 26623. Sample Nos. 19313-K, 48272-K.)

LIBELS FILED: February 18 and 25, 1949, Northern District of Ohio and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 5 and 25, 1949, by Zion Industries, Inc., from Zion, Ill.

PRODUCT: 17 cases, each containing 100 1¼-ounce bars, of candy at Canton, Ohio, and 99 cases, each containing 24 1-pound boxes, of candy at Philadelphia, Pa.

LABEL, IN PART: "Zion Chocolate Butter-Scotch Sundae Fine Candy" or "Betty Marie Jelly Fingers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and wood splinters; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 27 and 29, 1949. Default decrees of condemnation and destruction.

14859. Misbranding of candy Easter eggs. U. S. v. 88 Cases * * *. (F. D. C. No. 26893. Sample No. 40968-K.)

LIBEL FILED: March 28, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 15, 1949, by Miss Morris Candies, from Minneapolis, Minn.

PRODUCT: 88 cases each containing 60 candy Easter eggs at Yakima, Wash.

LABEL, IN PART: "Miss Morris * * * Cream Egg Net Wt. 1 $\frac{3}{4}$ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The product was short-weight.

DISPOSITION: May 20, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

14860. Adulteration of bakery products. U. S. v. Fargo Bakery Co., a corporation, and Harry E. Howland. Plea of guilty by corporation; fine, \$550. Plea of nolo contendere by individual defendant; fine, \$100. (F. D. C. No. 26794. Sample Nos. 44726-K, 44728-K, 44731-K, 44734-K to 44740-K, incl., 44742-K, 44744-K.)

INFORMATION FILED: May 19, 1949, District of North Dakota, against the Fargo Bakery Co., a corporation, Fargo, N. Dak., and Harry E. Howland, president and manager.

ALLEGED SHIPMENT: On or about February 14, 15, and 16, 1948, from the State of North Dakota into the State of Minnesota.

LABEL, IN PART: (Portion) "Old Home Bread," "Old Home Wheat Bread," "Old Home Buns," "Svenska Limpa," or "Pullman."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 14, 1949. A plea of guilty having been entered on behalf of the corporation and a plea of nolo contendere having been entered on behalf of the individual defendant, the former was fined \$550 and the latter \$100.

14861. Adulteration of bread, sweet rolls, and coffee cake. U. S. v. Holsum Baking Co. Plea of guilty. Fine of \$250 and costs. (F. D. C. No. 26783. Sample Nos. 25754-K to 25759-K, incl.)

INFORMATION FILED: May 10, 1949, Northern District of Iowa, against the Holsum Baking Co., a partnership, Dubuque, Iowa.

ALLEGED SHIPMENT: On or about January 28 and 31, 1949, from the State of Iowa into the State of Illinois.

LABEL, IN PART: (Portion) "Holsum Old Fashioned Potato [or "White"] Bread" or "Holsum Sweet Rolls." The coffee cake was unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hair fragments, cat hair fragments, and a mouse excreta pellet; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 10, 1949. A plea of guilty having been entered, the defendant was fined \$250 and costs.

14862. Adulteration of bread and rolls. U. S. v. Dixie Maid Baking Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 26805. Sample Nos. 51141-K to 51145-K, incl.)

INFORMATION FILED: June 8, 1949, Eastern District of Tennessee, against the Dixie Maid Baking Co., a partnership, Kingsport, Tenn.

ALLEGED SHIPMENT: On or about February 22, 1949, from the State of Tennessee into the State of Virginia.

LABEL, IN PART: "Holsum Pullman Bread [or "Enriched Bread" or "Parker House Rolls"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, and feather barbules; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 16, 1949. A plea of nolo contendere having been entered, the defendant was fined \$250.

FLOUR

Nos. 14863 to 14868 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

14863. Adulteration of flour. U. S. v. Omar, Incorporated. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 26780. Sample Nos. 23604-K to 23607-K, incl.)

INFORMATION FILED: May 2, 1949, District of Colorado, against Omar, Inc., Denver, Colo.

ALLEGED SHIPMENT: On or about August 31, 1948, from the State of Colorado into the State of Mississippi.

LABEL, IN PART: "Plain Flour Enriched [or "Special Self Rising Flour" or "Tiger Rose Self Rising Flour"] Distributed By The Penny Stores, Meridian, Miss."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 21, 1949. A plea of nolo contendere having been entered, the defendant was fined \$2,000.

14864. Adulteration of doughnut flour. U. S. v. Dixie Cream Flour Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 26793. Sample Nos. 20564-K, 25657-K, 27340-K, 42322-K, 44706-K, 44707-K.)

INFORMATION FILED: May 16, 1949, Eastern District of Missouri, against the Dixie Cream Flour Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about December 28, 29, and 30, 1948, and January 4, and 6, 1949, from the State of Missouri into the States of Iowa, Illinois, Minnesota, and Nebraska.

LABEL, IN PART: "Dixie Cream Donut [or "Cake Donut"] Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 10, 1949. A plea of nolo contendere having been entered, the defendant was fined \$1,000.

14865. Adulteration of flour. U. S. v. 769 Bags * * *. (F. D. C. No. 26862. Sample No. 32070-K.)

LIBEL FILED: March 15, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about January 25, 1949, from Salt Lake City, Utah.

PRODUCT: 769 100-pound bags of flour at San Francisco, Calif., in possession of the Langendorf Bakeries, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 2, 1949. The Colorado Milling & Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured for use as animal feed.

14866. Adulteration of flour. U. S. v. 400 Sacks * * *. (F. D. C. No. 26850. Sample No. 32057-K.)

LIBEL FILED: March 15, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about January 18, 1949, from Salt Lake City, Utah.

PRODUCT: 400 100-pound sacks of flour at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 2, 1949. The Colorado Milling & Elevator Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The flour was denatured for use as stock feed.

14867. Adulteration of flour. U. S. v. 141 Sacks * * *. (F. D. C. No. 26858. Sample No. 27693-K.)

LIBEL FILED: March 16, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about January 6, 1949, by the Robinson Milling Co., from Salina, Kans.

PRODUCT: 141 50-pound sacks of flour at Conway, Ark.

LABEL, IN PART: "Enriched Robin's Best Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 10, 1949. Default decree of condemnation and destruction.

14868. Adulteration of flour and pancake mix. U. S. v. 251 Bags, etc. (F. D. C. No. 26831. Sample Nos. 2584-K, 2585-K.)

LIBEL FILED: March 9, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 29 and December 29, 1948, from Kansas City, Mo., and Akron, Ohio.

PRODUCT: 251 25-pound bags of flour and 92 3-pound, 8-ounce bags of pancake mix at Spencer, W. Va., in possession of the Kincaid Produce & Wholesale Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1949. The Kincaid Produce & Wholesale Co., claimant for the flour, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration. On July 6, 1949, no claimant having appeared for the pancake mix, the product was condemned and ordered destroyed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

14869. Adulteration of unpopped popcorn. U. S. v. 170 cans * * *. (F. D. C. No. 26877. Sample No. 46044-K.)

LIBEL FILED: March 30, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 11, 1948, by the Excel Pop Corn Co., from Richland, Iowa.

PRODUCT: 170 10-ounce cans of popcorn at Springfield, Mo.

LABEL, IN PART: "Excel World's Best Pop Corn White Hulless."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects.

DISPOSITION: May 25, 1949. Default decree of condemnation and destruction.

*See also No. 14868.

14870. Misbranding of canned popcorn. U. S. v. 21 Cases, etc. (F. D. C. No. 26244. Sample Nos. 37653-K, 40937-K, 40938-K.)

LIBEL FILED: December 31, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about December 6, 1948, by Lowrey's Freshies, Inc., from Denver, Colo.

PRODUCT: 30 cases, each containing 6 cans, of popcorn at Seattle, Wash.

LABEL, IN PART: "Net Weight 5½ Oz. Lowrey's French Fried [or "New Cheese-Flavored"] Popcorn."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short-weight.)

DISPOSITION: May 26, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

14871. Adulteration of mixed rye and wheat. U. S. v. 6,314 Bushels * * *. (F. D. C. No. 26503. Sample No. 23722-K.)

LIBEL FILED: February 25, 1949, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 26 and 28, 1948, from St. Paul, Nebr.

PRODUCT: 6,314 bushels of mixed rye and wheat grain at Galveston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was insect-infested, the wheat being moldy and discolored and having a musty odor. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 21, 1949. The Transit Grain Co., Fort Worth, Tex., having appeared as claimant, the product was ordered released under bond to be fumigated, treated by heat to kill the mold, and disposed of as animal feed.

14872. Adulteration of rice. U. S. v. 5 Bags * * *. (F. D. C. No. 26505. Sample No. 41131-K.)

LIBEL FILED: February 7, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about July 19, 1946, from Sacramento, Calif.

PRODUCT: 5 100-pound bags of rice at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine.

DISPOSITION: May 26, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as animal feed.

14873. Adulteration of wild rice. U. S. v. 8 Bags, etc. (F. D. C. No. 26134. Sample No. 10120-K.)

LIBEL FILED: December 20, 1948, Northern District of New York.

ALLEGED SHIPMENT: On or about November 4, 1946, from Mankato, Minn.

PRODUCT: 10 100-pound bags of wild rice at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 23, 1949. Don Spencer Co., Inc., New York, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation, fumigating, and cleaning, under the supervision of the Food and Drug Administration. Segregation operations resulted in salvaging 857 pounds of the product.

EGGS

14874. Adulteration of frozen eggs. U. S. v. Arthur Redmond Co., Inc. Defendant's motion to dismiss overruled. Plea of guilty. Fine, \$300. (F. D. C. No. 22105. Sample Nos. 16999-H, 57548-H, 63880-H.)

INFORMATION FILED: On July 15, 1947, Southern District of Indiana, against Arthur Redmond Co., Inc., Terre Haute, Ind.

• **ALLEGED SHIPMENT:** On or about May 29, June 25, and August 15, 1946, from the State of Indiana into the States of Illinois, Massachusetts, and Pennsylvania.

LABEL, IN PART: "Dublegg" or "Kirby Kuality Dublegg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of sour, putrid, and decomposed eggs.

DISPOSITION: On October 1, 1947, the defendant filed a motion that certain allegations of the information be stricken, that the Government furnish a bill of particulars, and that each count of the information be dismissed. After argument before the court, the motion was overruled. On April 15, 1949, a plea of guilty having been entered, the defendant was fined \$300.

14875. Misbranding of dried eggs. U. S. v. 35 Cans * * *. (F. D. C. No. 26903. Sample No. 6182-K.)

LIBEL FILED: March 30, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 19, 1949, by the Coburn Farm Products Co., from New York, N. Y.

PRODUCT: 35 8-ounce cans of dried eggs at Pittsburgh, Pa.

LABEL, IN PART: "Sondra Brand dehydrated whole eggs Contents: 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans were short-weight.

DISPOSITION: May 9, 1949. Default decree of condemnation and destruction.

FEEDS AND GRAINS

14876. Adulteration and misbranding of alfalfa meal. U. S. v. 33 Bags * * *. (F. D. C. No. 26409. Sample No. 44228-K.)

LIBEL FILED: January 14, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 16, 1948, by Bremco Alfalfa Mills, Inc., New Bremen, Ohio.

PRODUCT: 33 100-pound unlabeled bags of alfalfa meal at Erlanger, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting of 14 percent protein alfalfa meal had been substituted in whole or in part for 17 percent alfalfa meal. (The product was invoiced as "17% Dehydrated Alfalfa Meal.")

Misbranding, Sections 403 (e) (1) and (2), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the product failed to bear a label containing the common or usual name of the food.

DISPOSITION: February 11, 1949. Default decree of condemnation. The product was ordered sold, conditioned that it should not be sold to a dealer, and that the purchaser feed it to stock under his own care.

14877. Adulteration of corn. U. S. v. 299 Sacks * * *. (F. D. C. No. 26871. Sample No. 45571-K.)

LIBEL FILED: March 16, 1949, Western District of Arkansas.

ALLEGED SHIPMENT: On or about November 1, 1948, by Frank S. Garwood & Sons, Stonington, Ill.

PRODUCT: 299 sacks, each containing 56 pounds, of corn at Hot Springs, Ark. The product had been treated for use as seed corn, but it was sold as animal feed.

LABEL, IN PART: "Funk's 'G' Hybrid Special Seed Treatment Applied (Poison) * * * Feed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added deleterious substance, a mercury compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: May 10, 1949. Default decree of condemnation and destruction.

14878. Misbranding of Yeastex. U. S. v. 600 Bags * * *. (F. D. C. No. 26377. Sample Nos. 29721-K, 29722-K.)

LIBEL FILED: January 4, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about November 12, 1948, by the Yeastex Co., from Monticello, Iowa.

PRODUCT: 600 100-pound bags of Yeastex at Denver, Colo. Examination showed that the product was an animal feed mixture consisting essentially of moisture, ash, fat, protein, and crude fiber.

LABEL, IN PART: (Bags) "Yeastex * * * A High fermentative live-cell yeast culture"; (tag) "Yeastex-G" or "Yeastex."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the label of the portion of the article labeled "Yeastex-G" were false and misleading. These statements represented and suggested that the article would be effective in promoting health, protecting against illness, and aiding in the digestion of food, and that it would increase vigor, growth, and production in animals and poultry, whereas the article would not be effective for such purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2689.

DISPOSITION: February 25, 1949. The Yeastex Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.

FISH

14879. Adulteration of frozen perch fillets. U. S. v. 317 Cases * * *.
(F. D. C. No. 26879. Sample Nos. 5913-K, 5914-K.)

LIBEL FILED: March 23, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 11, 1949, by the Fabet Corp., Gloucester, Mass.

PRODUCT: 317 cases, each containing 5 10-pound cartons, of frozen perch fillets at Chicago, Ill.

LABEL, IN PART: "Frosted Fillets [or "Frosted Perch Fillets"] Booth Fisheries, Boston."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: July 26, 1949. Default decree of condemnation and destruction.

14880. Adulteration of frozen tullibees. U. S. v. 203 Boxes * * *. (F. D. C. No. 26830. Sample No. 42326-K.)

LIBEL FILED: March 5, 1949, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 30, 1948, by Selkirk Fisheries, Ltd., and Keystone Fisheries, Ltd., from Winnipeg, Manitoba, Canada.

PRODUCT: 203 boxes, each containing approximately 140 pounds, of frozen tullibees at Muskegon, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 21, 1949. Default decree of condemnation and destruction.

14881. Adulteration of canned sardines. U. S. v. 703 Cases * * *. (F. D. C. No. 26852. Sample No. 43604-K, 51265-K.)

LIBEL FILED: March 15, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about July 30, 1948, from New York, N. Y.

PRODUCT: 703 cases, each containing 48 15-ounce cans, of sardines at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1949. Default decree of condemnation. The product was ordered delivered to a public institution, for use as animal feed.

14882. Adulteration of canned sardines. U. S. v. 25 Cases (and 1 other seizure action). (F. D. C. Nos. 26885, 26886. Sample Nos. 40603-K, 40604-K, 40606-K.)

LIBELS FILED: March 30, 1949, District of Oregon.

ALLEGED SHIPMENT: On or about September 9, 1948, by the American Trading Co., from Los Angeles, Calif.

PRODUCT: 75 cases, each containing 48 8-ounce cans, of sardines at Eugene, Oreg.

LABEL, IN PART: "Guadalupe Brand California Sardines" or "Marine Bowl Brand California Sardines * * * American Seafood Products Co. Wilmington, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed sardines.

DISPOSITION: June 13, 1949. Default decrees of condemnation. The product was ordered destroyed, with the exception of 2 cases which were ordered delivered to the Food and Drug Administration for scientific use.

FRUITS AND VEGETABLES*

CANNED FRUIT

14883. Adulteration of canned blueberries. U. S. v. 155 Cases * * *. (F. D. C. No. 26861. Sample No. 50407-K.)

LIBEL FILED: March 21, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about October 29, 1948, by Hamel & Weiss, from Homer, N. Y.

PRODUCT: 155 cases, each containing 24 14½-ounce cans, of blueberries at Spokane, Wash.

LABEL, IN PART: (Can) "Sea-Land Selected Blueberries * * * Packed by Sea-Land Foods Corp., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed blueberries.

DISPOSITION: April 29, 1949. Default decree of condemnation and destruction.

14884. Misbranding of canned pears. U. S. v. 83 Cases * * *. (F. D. C. No. 26070. Sample No. 1603-K.)

LIBEL FILED: November 20, 1948, Western District of South Carolina.

ALLEGED SHIPMENT: On or about September 4, 1948, by the Charles R. Allen Co., from Quitman, Ga.

PRODUCT: 83 cases, each containing 24 1-pound, 14-ounce cans, of pears at Anderson, S. C.

LABEL, IN PART: (Can) "Southern Planter Brand Georgia Pineapple Pears Halves In Heavy Syrup * * * Packed by Associated Southern Planters Quitman, Georgia."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pear halves since it failed to meet the test for tenderness and since all of the pear units were not untrimmed or so trimmed as to preserve normal shape; and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: February 21, 1949. The Charles R. Allen Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be relabeled under the supervision of the Food and Drug Administration.

*See also No. 14851.

VEGETABLES

14885. Adulteration of canned corn. U. S. v. 498 Cases * * *. (F. D. C. No. 26840. Sample No. 45473-K.)

LIBEL FILED: March 11, 1949, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about February 21, 1949, by Tolerton & Warfield Co., from Sioux City, Iowa. This was a return shipment.

PRODUCT: 498 cases, each containing 48 unlabeled No. 1 cans, of corn at Evansville, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: April 26, 1949. Default decree of forfeiture and destruction.

14886. Adulteration of canned sweet potatoes. U. S. v. 249 Cases * * *. (F. D. C. No. 26643. Sample No. 40324-K.)

LIBEL FILED: March 9, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about April 14, 1947, from Hallwood, Va.

PRODUCT: 249 cases, each containing 24 No. 3 cans, of sweet potatoes at Baltimore, Md. The cans were unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition, and it was unfit for food by reason of its discoloration and metallic taste. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 21, 1949. The Amrhein Brothers Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of segregating the good portion from the bad, under the supervision of the Federal Security Agency. The attempt to separate the good from the bad was unsuccessful, and the entire lot was destroyed.

14887. Adulteration and misbranding of canned spinach. U. S. v. 53 Cases * * *. (F. D. C. No. 26818. Sample No. 45569-K.)

LIBEL FILED: March 3, 1949, Western District of Arkansas.

ALLEGED SHIPMENT: On or about January 15, 1949, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 53 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Blevins, Ark.

LABEL, IN PART: "Gold Inn Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product fell below the standard of identity for canned spinach since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: July 5, 1949. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

14888. Adulteration and misbranding of canned tomatoes. U. S. v. 97 Cases * * *. (F. D. C. No. 26856. Sample No. 41817-K.)

LIBEL FILED: On or about April 5, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 7, 1948, by Brady Tomatoes, Inc., from Martinsville, Ind.

PRODUCT: 97 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Richelieu Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the optional ingredients present, as required by the standard, since it failed to reveal the presence therein of added calcium salts.

DISPOSITION: June 7, 1949. Default decree of condemnation and destruction.

14889. Adulteration of tomato puree. U. S. v. 576 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 26078, 26098, 26127. Sample Nos. 47988-K, 48077-K, 48078-K.)

LIBELS FILED: November 22 and 24 and December 13, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 16 and 17, 1948, by Cedar Lake Canning Co., Inc., from Cedarville, N. J.

PRODUCT: Canned tomato puree. 576 cases at Allentown, Pa., 319 cases at Philadelphia, Pa., and 180 cases at Primos, Pa.

LABEL, IN PART: "Cedar Lake Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 29, 1949. The cases having been consolidated and the Cedar Lake Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond, to be converted into stock feed under the supervision of the Food and Drug Administration.

14890. Adulteration of tomato catsup and tomato puree. U. S. v. 72 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 26897, 26902. Sample Nos. 6183-K, 46249-K.)

LIBELS FILED: March 25 and 30, 1949, Eastern District of Missouri and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 24 and February 16, 1949, by the Sardik Food Products Corp., from Shirley and Middletown, Ind.

PRODUCT: 172 cases, each containing 6 7-pound cans, of tomato catsup at St. Louis, Mo., and 116 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Pittsburgh, Pa.

LABEL, IN PART: "Laural Brand Tomato Catsup" or "Sexton Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: April 22 and 28, 1949. Default decrees of condemnation and destruction.

14891. Adulteration of tomato catsup. U. S. v. 86 Cases * * *. (F. D. C. No. 26864. Sample No. 46466-K.)

LIBEL FILED: On or about March 17, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 20, 1949, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: 86 cases, each containing 24 14-ounce bottles, of tomato catsup at St. Louis, Mo.

LABEL, IN PART: "Sweet Home Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 5, 1949. Default decree of condemnation and destruction.

NUTS

14892. Adulteration of shelled pecans. U. S. v. R. E. Funsten Co. Plea of nolo contendere. Fine, \$575. (F. D. C. No. 26759. Sample Nos. 1081-K, 1082-K, 10127-K, 15248-K, 15249-K.)

INFORMATION FILED: April 15, 1949, Eastern District of Missouri, against the R. E. Funsten Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: Between the approximate dates of October 28 and November 20, 1948, from the State of Missouri into the States of Florida, Indiana, New Jersey, and Illinois.

LABEL, IN PART: "Funsten's Select Medium [or "Small"] Pecan Pieces," "Funsten's Select Pecan Halves," or "Funsten's Shelled Pecans Select Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, rodent hair fragments, and feather fragments, and by reason of the presence (portion of product) of *Escherichia coli*, an organism indicating fecal pollution; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 29, 1949. A plea of nolo contendere having been entered, the defendant was fined \$575.

14893. Adulteration of peanuts. U. S. v. 31 Bags * * *. (F. D. C. No. 25418. Sample No. 44409-K.)

LIBEL FILED: August 26, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 9, 1948, from Suffolk, Va.

PRODUCT: 31 100-pound bags of peanuts at Portsmouth, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 18, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as stock feed.

14894. Adulteration of brazil nuts. U. S. v. 35 Bags * * * . (F. D. C. No. 25958. Sample No. 18655-K.)

LIBEL FILED: November 23, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 18, 1948, by Wm. A. Higgins & Co., from New York, N. Y.

PRODUCT: 35 40-pound bags of brazil nuts at Cincinnati, Ohio.

LABEL, IN PART: "Holly New Crop Large Washed Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of decomposed nuts.

DISPOSITION: December 10, 1948. Wm. A. Higgins & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit nuts, under the supervision of the Food and Drug Administration. Of the 1,400 pounds seized, 1,217 pounds were segregated as good.

14895. Adulteration of mixed nuts. U. S. v. 445 Cases * * * . (F. D. C. No. 26199. Sample No. 43542-K.)

LIBEL FILED: December 1, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 23, 1948, by the Continental Nut Co., from Chico, Calif.

PRODUCT: 445 cases, each containing 24 bags, of mixed nuts at Cincinnati, Ohio.

LABEL, IN PART: "A and P Mixed Nuts—Almonds—Walnuts—Brazils—Pecans—Filberts Net Wt. One Pound."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed brazil nuts, and of a filthy substance by reason of the presence of insect-infested brazil nuts; and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: December 10, 1948. The Continental Nut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit under the supervision of the Food and Drug Administration. The 10,656 pounds of mixed nuts seized, contained approximately 1,258 pounds of brazil nuts. These were cracked, and 562½ pounds of good nuts were recovered. The shells and unfit nuts were destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

14896. Adulteration and misbranding of Super Multi-Caps, Multi-Caps, and thiamine chloride tablets. U. S. v. Oxford Products, Inc., Jerome H. Rose, and J. Sanford Rose. Pleas of nolo contendere. Corporation fined \$1,100 and individual defendants each fined \$550, together with costs. (F. D. C. No. 21427. Sample Nos. 955-H, 956-H, 10991-H,

14803-H, 14804-H, 16557-H to 16559-H, incl., 18986-H, 19920-H, 23805-H.)

INDICTMENT RETURNED: November 6, 1947, Northern District of Ohio, against Oxford Products Inc., Cleveland, Ohio, Jerome H. Rose, president and treasurer, and J. Sanford Rose, vice president.

ALLEGED SHIPMENT: Between the approximate dates of December 14, 1944, and December 31, 1945, from the State of Ohio into the States of Florida, Pennsylvania, Illinois, Minnesota, and Texas.

LABEL, IN PART: "Super Multi-Caps Vitamin Guild 9 Vitamins Vitamins A-B₁-C-D-B₂(G)-B₆-E with Calcium Pantothenate and Niacinamide Each Tabsule Contains: Vitamin A 5,000 U. S. P. Units, Vitamin D 800 U. S. P. Units, * * * Vitamin B₁ 1,000 U. S. P. Units"; (on all but 1 shipment of Super Multi-Caps) "Minimum Daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1¼ Times, Vitamin D 2 Times * * * Vitamin B₁ 3 Times"; "Multi-Caps Vitamin Guild 8 Vitamins Vitamins A-B₁-C-D-B₂(G)-B₆ with Calcium Pantothenate & Nicotinamide Each Tabsule Contains Vitamin A 5,000 U. S. P. Units, Vitamin D 800 U. S. P. Units * * * Vitamin B₁ 500 Int'l Units"; and "Thiamin Chloride (Vitamin B₁) 5 Mg. Equivalent to approx. 1,665 U. S. P. Units per Tablet. Each tablet supplies five times the minimum daily requirements of Vitamin B₁."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1) fig. 1, (Super Multi-Caps and Multi-Caps) valuable constituents of the foods had been in part omitted. Some of the products were deficient in vitamin A, some deficient in vitamins A, and D, and some deficient in vitamins A, B₁, and D. Further adulteration, Section 402 (b) (1), (thiamine chloride tablets) a valuable constituent, thiamine chloride (vitamin B₁), had been in part omitted.

Misbranding, Section 403 (a), (Super Multi-Caps) the labels contained false and misleading statements regarding the amount of certain vitamins present and, except for the product in 1 shipment, the proportion of the minimum daily requirements for such vitamins which the product would supply. Of the 8 shipments, 2 contained less vitamins A, B₁, and D than declared on the label; 3 contained less vitamins A and D than declared; 2 contained less vitamin A than declared; and 1 contained less vitamin D than declared; and with the exception of 1 shipment, the product contained smaller proportions of the minimum daily requirements for the said vitamins than represented on the label.

Further misbranding, Section 403 (j), (Super Multi-Caps, 1 shipment) the product was represented for special dietary uses by man by reason of its vitamin properties with respect to vitamins A, B₁, C, D, B₂, and E, and calcium pantothenate and niacinamide; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B₁, C, D, and B₂ which would be supplied by the product; a statement of the quantity of vitamin B₆, vitamin E, calcium, pantothenate, and niacinamide in a specified quantity of the product; and a statement that the need for vitamin B₆, vitamin E, and calcium pantothenate in human nutrition has not been established.

Further misbranding, Section 403 (a), (Multi-Caps) the labels contained false and misleading statements regarding the amount of certain vitamins present in the products, since 1 shipment contained less vitamins A, B₁, and D than declared and 1 shipment contained less vitamin A than declared.

Further misbranding, Section 403 (a), (thiamine chloride tablets) the statement regarding the thiamine chloride content of the tablets was false and misleading since the article contained less thiamine chloride than declared on the label and would not supply 5 times the minimum daily requirement for thiamine chloride (vitamin B₁) as represented on the label.

DISPOSITION: January 8, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$1,100 and each individual defendant was fined \$550, plus costs.

14897. Alleged adulteration and misbranding of Vita-Slim. U. S. v. Orville Z. Dunlap (Industrial Vitamin Co. and Vitamin Industries). Bail bond forfeited and case dismissed. (F. D. C. No. 16558. Sample Nos. 7071-F, 66961-F, 85664-F.)

INFORMATION FILED: January 16, 1946, District of Nebraska, against Orville Z. Dunlap, trading as the Industrial Vitamin Co. and the Vitamin Industries, at Omaha, Nebr.

ALLEGED SHIPMENT: On or about February 13, July 26, and August 11, 1944, from the State of Nebraska into the States of Missouri, Kansas, and Colorado.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁, vitamin C, vitamin D, niacin, calcium, phosphorus, iron, and iodine, had been in whole or in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the labeling contained false and misleading statements with respect to the amount of vitamins and minerals supplied by the article, the nutritional significance of the article, and the efficacy of the article for the reduction of weight. Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties with respect to vitamins A, B₁, B₂, B₆, C, D, and E, and calcium pantothenate, and by reason of its mineral properties with respect to calcium, phosphorus, iron, and iodine; and its label did not bear such information concerning its vitamin and mineral properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

DISPOSITION: On January 17, 1946, the defendant was arrested, and at that time he furnished bail in the sum of \$500. When the case was subsequently called for arraignment, it was discovered that the defendant had abandoned all of his business properties and left for parts unknown. A warrant was therefore issued for the defendant's apprehension as a fugitive. On January 15, 1947, an order was entered forfeiting the bail bond. The defendant was not thereafter apprehended, and on June 27, 1949, the case was dismissed.

14898. Adulteration of United Vitamin B Complex with Iron (tablets). U. S. v. Scott Products Co. (United Vitamin Products). Plea of guilty. Fine of \$500 and costs. (F. D. C. No. 23230. Sample No. 51239-H.)

INFORMATION FILED: December 3, 1947, Northern District of Illinois, against the Scott Products Co., a corporation, trading as United Vitamin Products, at Chicago, Ill.

ALLEGED SHIPMENT: On or about June 9, 1946, from the State of Illinois into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, riboflavin and niacin, had been in part omitted and abstracted

from the article. Each tablet of the article was represented to contain 667 micrograms of riboflavin and 3.333 micrograms of niacin, whereas each tablet contained less than those amounts of riboflavin and niacin.

DISPOSITION: May 9, 1949. A plea of guilty having been entered, the court imposed a fine of \$500 and costs.

14899. Adulteration of Gestade vitamin tablets. U. S. v. 33 Bottles * * *.
(F. D. C. No. 26878. Sample No. 43878-K.)

LIBEL FILED: March 18, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 19, 1948, from Indianapolis, Ind.

PRODUCT: 33 100-tablet bottles of Gestade vitamin tablets at Cincinnati, Ohio.

LABEL, IN PART: "Tablets Ascorbic Acid, Vitamin D, Thiamin, and Iron Compound * * * Each Tablet represents: * * * Vitamin D * * * 200 U. S. P. Units."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. The article was adulterated while held for sale after shipment in interstate commerce, and examination showed that it contained less than the declared amount of vitamin D.

DISPOSITION: May 13, 1949. Default decree of condemnation and destruction.

14900. Misbranding of Rybutol Gelucaps. U. S. v. 124 Dozen Bottles, etc.
(F. D. C. No. 26636. Sample No. 51252-K.)

LIBEL FILED: March 7, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: By the Vitamin Corporation of America, from Newark, N. J. The product was shipped on or about January 11, 1949, and the labeling of the article, with the exception of certain newspaper clippings, was shipped on or about January 10 and February 12, 1949.

PRODUCT: 70 dozen bottles, each containing 100 capsules, and 54 dozen bottles, each containing 50 capsules, of Rybutol Gelucaps at Cincinnati, Ohio, in the possession of the Dow Drug Co. Warehouse, together with a number of leaflets entitled "Ask Your Doctor" and a number of Cincinnati newspaper clippings entitled "Why does your Doctor Prescribe Rybutol." The newspaper clippings were displayed with the product in the retail stores of the Dow Drug Co. Some of the clippings were pasted in the windows of the stores; or they were used as streamers, hanging from a wire in the rear of the stores in close proximity to the goods.

LABEL, IN PART: "Rybutol High Blend Natural Vitamin B Complex. Each Gelucap Contains the Whole Natural Vitamin B Complex Fortified."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement, "Hy-Blend Natural Vitamin B Complex" appearing on the labels of the article, in a leaflet entitled "Ask Your Doctor," and in the newspaper clippings, was false and misleading as applied to an article which was not a high potency natural vitamin B complex but was a mixture of some of the members of the vitamin B complex in synthetic form, an iron salt, vitamin C, and nutritionally inconsequential amounts of natural sources of the B complex.

The article also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2724.

DISPOSITION: March 14, 1949. The Vitamin Corporation of America, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 14851 TO 14900

PRODUCTS			
		N. J. No.	N. J. No.
Alfalfa meal	14876	Nuts	14892-14895
Bakery products	14860-14862	Pancake mix	14868
Bevco Stabilizer	14852	Pastry flour	14864
Beverages and beverage materials	¹ 14851, 14852	Peanuts	14893
Blueberries, canned	14883	Pears, canned	14884
Brazil nuts	14894, 14895	Pecans, shelled	14892
Bread	14860-14862	Perch fillets, frozen	14879
Candy	14853-14859	Popcorn	14869, 14870
Catsup, tomato	14890, 14891	Potatoes, sweet, canned	14886
Cereals and cereal products	14860-14873	Rice	14872, 14873
Cherries, chocolate-covered	14855, 14857	wild	14873
Coffee cake	14861	Rolls	14860-14862
Corn (animal feed, in sacks)	14877	sweet	14860, 14861
canned	14885	Rybutol Gelucaps	14900
Doughnut flour	14864	Rye and wheat, mixed	14871
Easter eggs, candy	14859	Sardines, canned	14881, 14882
Eggs, dried	14875	Self-rising flour	14863
Easter, candy	14859	Spinach, canned	14887
frozen	14874	Stabilizer, Bevco	14852
Feeds and grains	14876-14878	Super Multi-Caps	14896
Fish	14879-14882	Thiamine chloride tablets	14896
Flour	14863-14868	Tomato(es), canned	14888
Fruits and vegetables	¹ 14851, 14883-14891	catsup	14890, 14891
fruit, canned	14883, 14884	puree	14889, 14890
tomatoes and tomato products	14888-14891	Tullibeas, frozen	14880
vegetables	14885-14887	United Vitamin B Complex with Iron (tablets)	14898
Gelucaps, Rybutol	14900	Vegetables. See Fruits and vegetables.	
Gestade vitamin tablets	14899	Vita-Slim	14897
Grains. See Feeds and grains.		Vitamin, mineral, and other products of special dietary significance	14896-14900
Multi-Caps and Super Multi-Caps	14896	Wheat and rye, mixed	14871
		Yeastex (animal feed)	14878

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

		N. J. No.	N. J. No.
Allen, Charles R., Co.:		Chandler Laboratories, Inc.:	
canned pears	14884	Bevco Stabilizer	14852
American Seafood Products Co.:		Coburn Farm Products Co.:	
canned sardines	14882	dried eggs	14875
American Trading Co.:		Commercial Candy Mfg. Co.:	
canned sardines	14882	candy	14854
Associated Southern Planters:		Continental Nut Co.:	
canned pears	14884	mixed nuts	14895
Brady Tomatoes, Inc.:		Dixie Cream Flour Co.:	
canned tomatoes	14888	doughnut flour	14864
Bremco Alfalfa Mills, Inc.:		Dixie Maid Baking Co.:	
alfalfa meal	14876	bread and rolls	14862
Cedar Lake Canning Co., Inc.:		Dow Drug Co.:	
tomato puree	14889	Rybutol Gelucaps	14900

¹ (14851) Permanent injunction issued.

	N. J. No.		N. J. No.
Dunlap, O. Z.:		Omar, Inc.:	
Vita-Slim-----	14897	flour-----	14863
Excel Pop Corn Co.:		Oxford Products, Inc.:	
unpopped popcorn-----	14869	Super Multi-Caps, Multi-Caps,	
Fabet Corp.:		and thiamine chloride tablets--	14896
frozen perch fillets-----	14879	Penny Stores:	
Fargo Bakery Co.:		flour-----	14863
bakery products-----	14860	Redmond, Arthur, Co., Inc.:	
Fettig Canning Corp.:		frozen eggs-----	14874
tomato catsup-----	14891	Riggi Candy Co.:	
Funsten, R. E., Co.:		candy-----	14855-14857
shelled pecans-----	14892	Robinson Milling Co.:	
Garwood, Frank S., & Sons:		flour-----	14867
corn (animal feed, in sacks)--	14877	Rose, J. H., and J. S.:	
Hamel & Weiss:		Super Multi-Caps, Multi-Caps,	
canned blueberries-----	14883	and thiamine chloride tab-	
Higgins, Wm. A., & Co.:		lets-----	14896
brazil nuts-----	14894	Sardik Food Products Corp.:	
Holsum Baking Co.:		tomato catsup and tomato	
bread, sweet rolls, and coffee		puree-----	14890
cake-----	14861	Scott Products Co.:	
Howland, H. E.:		United Vitamin B Complex with	
bakery products-----	14860	Iron (tablets)-----	14898
Industrial Vitamin Co. <i>See Dun-</i>		Sea-Land Foods Corp.:	
lap, O. Z.		canned blueberries-----	14883
Keymel, Ray A., Co., Inc.:		Selkirk Fisheries, Ltd.:	
fruit juices----- ¹	14851	frozen tullibeas-----	14880
Keystone Fisheries, Ltd.:		Tolerton & Warfield Co.:	
frozen tullibeas-----	14880	canned corn-----	14885
Kincaid Produce & Wholesale Co.:		United Vitamin Products. <i>See</i>	
flour and pancake mix-----	14868	Scott Products Co.	
Langendorf Bakeries, Inc.:		Vitamin Corp. of America:	
flour-----	14865	Rybutol Gelucaps-----	14900
Lowrey's Freshies, Inc.:		Vitamin Industries. <i>See Dunlap,</i>	
canned popcorn-----	14870	O. Z.	
Maple Dell Candy Co.:		Yeastex Co.:	
candy-----	14853	Yeastex (animal feed)-----	14878
Meyer Canning Co.:		Zion Industries, Inc.:	
canned spinach-----	14887	candy-----	14858
Morris, Miss, Candies:			
candy Easter eggs-----	14859		

¹ (14851) Permanent injunction issued.

A New Service by the

FEDERAL REGISTER

The scope of the FEDERAL REGISTER has been expanded by the "Administrative Procedure Act" (Public Law 404—79th Congress, approved June 11, 1946) specifically requiring publication of:

1. Agency organization and procedure,
 2. Substantive rules and statements of general policy or interpretations,
 3. Notice of proposed rule making,
- and further providing that no person shall in any manner be required to resort to organization or procedure not so published.

A sample copy and information on request to the Federal Register, National Archives, Washington 25, D. C.



The FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive Orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect.

A partial list of subjects covered includes:

Agriculture
Aviation
Business Credit
Communications
Contracts:
 Procurement
 Renegotiation
 Termination

Customs
Fair Trade Practice
Food and Drugs
Foreign Relations
Housing
Labor Relations
Mineral Resources
Price Control

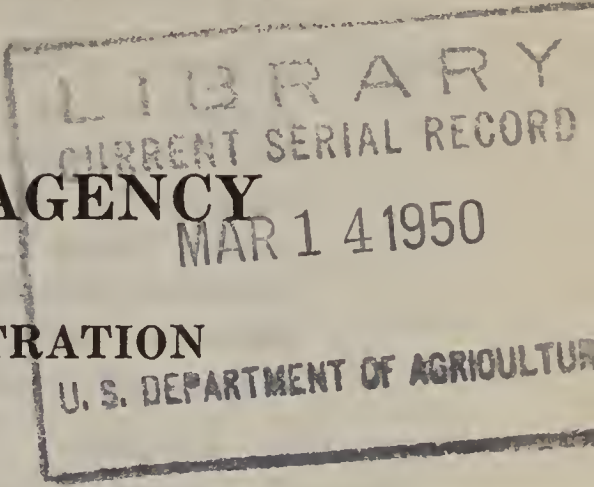
Priorities
Reconversion
Securities
Shipping
Surplus Property
Taxation
Transportation
Wages and Hours

\$1.50 A MONTH • \$15 A YEAR

Order today from the
Superintendent of Documents, U. S. Government Printing Office,
Washington 25, D. C.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION



**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14901-14950

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *February 6, 1950.*

CONTENTS

	Page		Page
Beverages and beverage materials	578	Fruits and vegetables	587
Cereals and cereal products	579	Canned fruit	587
Bakery products	579	Dried fruit	588
Flour	580	Frozen fruit	590
Dairy products	583	Vegetables	591
Butter	583	Tomatoes and tomato products	592
Cheese	584	Nuts	594
Feeds and grains	585	Spices, flavors, and seasoning	
Fish and shellfish	586	materials	595

BEVERAGES AND BEVERAGE MATERIALS

14901. Conspiracy to violate the Federal Food, Drug, and Cosmetic Act with respect to the interstate shipment of alleged grape juice. U. S. v. Minos K. Zongos, Salvatore Sommella, Joseph La Manna, and Superior Packing Co. Pleas of guilty by Minos K. Zongos and Salvatore Sommella; Minos K. Zongos fined \$1,000, imposition of sentence against Salvatore Sommella suspended, and defendants Zongos and Sommella placed on probation for 2 years. Action dismissed as to Joseph La Manna and Superior Packing Co. (Sample No. 5610-H.)

INDICTMENT RETURNED: July 23, 1946, Southern District of New York, against Minos K. Zongos, Salvatore Sommella, Joseph La Manna, and the Superior Packing Co.

NATURE OF CHARGE: The indictment alleged that the defendants, since January 1944, and continuously thereafter to the date of the filing of the indictment, did, at the Southern District of New York, combine, conspire, confederate, and agree together, and with each other, and other persons, to commit offenses against the United States in violation of Sections 301 and 303 of the Federal Food, Drug, and Cosmetic Act, with the purposes and object of introducing and delivering for introduction into interstate commerce an adulterated and misbranded food labeled "Capitol brand grape juice," with intent to defraud and mislead.

It was alleged further that in pursuance of the conspiracy and for the purpose of effecting the objectives thereof, the defendants manufactured and bottled an alleged grape juice at 370 Pearl Street, New York City, and committed other overt acts.

DISPOSITION: November 29, 1946. Defendants Minos K. Zongos and Salvatore Sommella pleaded guilty. Minos K. Zongos was sentenced to pay a fine of \$1,000, and he was placed on probation for 2 years; imposition of sentence against Salvatore Sommella was suspended, and he was placed also on probation for 2 years. On December 2, 1948, a nolle prosequi was entered with respect to defendants Joseph La Manna and the Superior Packing Co.

14902. Adulteration and misbranding of Vita Orange. U. S. v. 10 Cases, etc. (F. D. C. No. 26096. Sample Nos. 5308-K to 5310-K, incl.)

LIBEL FILED: On or about December 1, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 2 and 18, 1948, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 10 cases, each containing 12 1-quart bottles; 15 cases, each containing 6 half-gallon bottles; and 39 1-gallon bottles, of Vita Orange at Newport, R. I., together with a number of circulars entitled "The Good Morning to Health."

Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color, and that it contained approximately 5,000 U. S. P. units of vitamin C per one-half gallon.

LABEL, IN PART: (Bottle) "Vita Orange with Vitamins Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to have more orange juice than it actually contained and thus to be better or of greater value than it was.

Misbranding, Section 403 (a), the name "Vita Orange" and certain statements on the circulars were false and misleading since they represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health and healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2785.

DISPOSITION: February 2, 1949. Default decree of condemnation. The court ordered that the circulars be destroyed and the product be delivered to a charitable institution.

14903. Misbranding of Bevco Stabilizer. U. S. v. 3 Bottles * * *. (F. D. C. No. 26278. Sample No. 42413-K.)

LIBEL FILED: January 17, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about September 24, 1948, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 3 1-gallon bottles of Bevco Stabilizer at Normal, Ill. Analysis showed that the product was an aqueous solution of a quaternary ammonium salt, with a concentration of $\frac{1}{2}$ gram per 100 cc.

LABEL, IN PART: "Bevco Stabilizer * * * Directions: Use $\frac{1}{2}$ ounce to each gallon of prepared syrup or to 6 gallons of finished product. * * * contains less than $2\frac{1}{2}\%$ pure quaternary ammonium chloride. * * * is not a finished food product and is for manufacturing use only."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the trade name "Bevco" appearing thereon, coupled with the directions for use, represented to purchasers that the article was wholesome and suitable for use as a component for beverages for man, whereas the article contained a quaternary ammonium compound which was a poisonous and deleterious substance; and the labeling failed to reveal the fact, material in the light of the representations made therein, that the article contained a poisonous and deleterious substance.

DISPOSITION: March 4, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

14904. Adulteration of cake. U. S. v. Carson Cake Co., Abe Caris, and Philip Caris. Pleas of guilty. Defendants each fined \$100. (F. D. C. No. 24817. Sample Nos. 10495-K to 10497-K, incl.)

INFORMATION FILED: July 14, 1948, District of New Jersey, against the Carson Cake Co., a partnership, Newark, N. J., and Abe Caris and Philip Caris, partners.

ALLEGED SHIPMENT: On or about March 25, 1948, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Hits The Spot Carson's."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 11, 1949. Pleas of guilty having been entered, each defendant was fined \$100.

14905. Adulteration of bread, cookies, and coffee cake. U. S. v. Frantz Home Bakers, Inc. Plea of guilty. Fine of \$375, plus costs. (F. D. C. No. 24776. Sample Nos. 6635-K, 6638-K, 6647-K.)

INFORMATION FILED: May 27, 1948, Northern District of Ohio, against Frantz Home Bakers, Inc., East Liverpool, Ohio.

ALLEGED SHIPMENT: On or about January 30, 1948, from the State of Ohio into the States of West Virginia and Pennsylvania.

LABEL, IN PART: "Enriched Frantz Honey Loaf," "Frantz Quality Baked Goods," and "Frantz Quality Baked Goods Coffee Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 18, 1948. A plea of guilty having been entered, the court imposed a fine of \$375, together with costs.

FLOUR

Nos. 14906 to 14912 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in No. 14912 failed also to meet the standard for enriched flour.

14906. Adulteration of flour and corn meal. U. S. v. Bluff City Mills. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 26761. Sample Nos. 19566-K, 19567-K, 51101-K, 51102-K.)

INFORMATION FILED: April 13, 1949, Eastern District of Tennessee, against the Bluff City Mills, a partnership, Bluff City, Tenn.

ALLEGED SHIPMENT: On or about September 17 and 20 and December 15, 1948, from the State of Tennessee into the State of Virginia.

LABEL, IN PART: (Bag) "White Rose Fancy Patent Flour [or "Bolted Meal" or "Self-Rising Flour"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of mites, larvae, larval parts, insect fragments, rodent hairs, rodent hair fragments, and rodent excreta fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 16, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

14907. Adulteration of flour and hominy. U. S. v. 35 Bags, etc. (F. D. C. No. 26969. Sample Nos. 40186-K, 40187-K.)

LIBEL FILED: April 1, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about February 26, 1949, from Buffalo, N. Y.

PRODUCT: 35 25-pound bags of flour and 36 100-pound bags of hominy at Frederick, Md., in possession of Harris & Filler.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent pellets; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 1, 1949. Default decree of condemnation. The court ordered that the products be delivered to a State institution, for use as animal feed.

14908. Adulteration of flour. U. S. v. 2,200 Bags * * *. (F. D. C. No. 27292. Sample Nos. 13078-K to 13080-K, incl.)

LIBEL FILED: May 31, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 26 and May 3 and 10, 1949, by Shellabarger's Inc., from Salina, Kans.

PRODUCT: 2,200 bags, each containing 100 pounds, of flour at Philadelphia, Pa.

LABEL, IN PART: "Big 'S' Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

DISPOSITION: September 26, 1949. Shellabarger's, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond to be denatured and sold for use other than for human consumption, under the supervision of the Food and Drug Administration.

14909. Adulteration of flour. U. S. v. 96 Bags * * *. (F. D. C. No. 27213. Sample No. 40440-K.)

LIBEL FILED: May 11, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about February 11 and April 2, 1949, from Buffalo, N. Y.

PRODUCT: 96 100-pound bags of flour at Baltimore, Md., in possession of Frey & Son, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1949. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, to be denatured and used as animal feed.

14910. Adulteration of flour. U. S. v. 38 Bags * * *. (F. D. C. No. 26943. Sample No. 62203-K.)

LIBEL FILED: March 23, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 12, 1949, from Hillsdale, Mich.

PRODUCT: 38 100-pound bags of flour at Newton, Mass., in possession of Betty Bakerite, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 27, 1949. Betty Bakerite, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Of the 38 bags seized, 9 were found to be uncontaminated, and the remainder were denatured and disposed of for use as animal feed.

14911. Adulteration of whole wheat flour. U. S. v. 19 Bags * * *. (F. D. C. No. 26971. Sample No. 62206-K.)

LIBEL FILED: March 31, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 28, 1949, from Lemoyne, Pa.

PRODUCT: 19 100-pound bags of whole wheat flour at Watertown, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1949. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed.

14912. Adulteration and misbranding of enriched flour. U. S. v. 195 Sacks * * *. (F. D. C. No. 26978. Sample Nos. 62017-K, 62018-K.)

LIBEL FILED: April 13, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about January 4, 1949, by the Robinson Milling Co., from Salina, Kans.

PRODUCT: 195 25-pound sacks of enriched flour at Blytheville, Ark.

LABEL, IN PART: "Betty Jane Phosphated Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for enriched flour since it contained less than 2 milligrams of thiamine (vitamin B₁) per pound.

DISPOSITION: July 14, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS**BUTTER**

14913. Adulteration and misbranding of butter. U. S. v. Walter Jakubowski (New Jersey Butter Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 24066. Sample Nos. 66269-H to 66271-H, incl.)

INFORMATION FILED: January 22, 1948, District of New Jersey, against Walter Jakubowski, trading as the New Jersey Butter Co., Camden, N. J.

ALLEGED SHIPMENT: On or about July 9, 10, and 14, 1947, from the State of New Jersey into the States of Pennsylvania and Delaware.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents. The labels bore the statement "One Pound Net" and "Half Pound Net," whereas the net weight was less than one pound and one-half pound, respectively.

DISPOSITION: April 23, 1948. A plea of guilty having been entered, the court imposed a fine of \$500.

14914. Adulteration of butter. U. S. v. 13 Cases * * *. (F. D. C. No. 27036. Sample No. 20116-K.)

LIBEL FILED: On or about March 25, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 18, 1949, by the Burlington Creamery Co., from Burlington, Kans.

PRODUCT: 13 cases, each containing 63 pounds, of butter at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 29, 1949. N. O. Christian, doing business as the Burlington Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

14915. Adulteration and misbranding of butter. U. S. v. 22 Cases, etc. (F. D. C. No. 27652. Sample Nos. 19559-K to 19561-K, incl.)

LIBEL FILED: September 16, 1948, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 30 and September 6, 1948, by the Blue Valley Div., Beatrice Foods Co., from Louisville, Ky.

PRODUCT: Butter. 22 cases, each containing 48 prints labeled "½ LB. Net Weight"; 35 cases, each containing 32 1-pound parchment wrapped prints; and 1 case, containing 32 1-pound foil wrapped prints, at Nashville, Tenn.

LABEL, IN PART: "Meadow Gold Butter * * * Distributed by Beatrice Foods Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article in the foil-wrapped prints consisted in part of a decomposed substance, as evidenced by

mold. Further adulteration, Section 402 (a) (3), the remainder of the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the prints which were labeled "½ LB. Net Weight" were short-weight.

DISPOSITION: February 10, 1949. The Blue Valley Div., Beatrice Foods Co., claimant, having consented to the entry of a decree, judgment was entered providing for the use of the product in the manufacture of soap. On March 14, 1949, an order was entered releasing the product to the claimant under bond, conditioned upon the manufacture of the product into soap.

CHEESE

14916 Adulteration of cheese. U. S. v. 19 Boxes, etc. (F. D. C. No. 26658. Sample Nos. 7925-K to 7927-K, incl.)

LIBEL FILED: March 16, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 1 and 16, 1946, from New York, N. Y.

PRODUCT: 19 boxes, each containing 15 7-pound bricks, of cheese; 14 boxes each containing 7 7-pound cheeses; and 16 boxes, each containing 6 5-pound cartons, of cheese at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold and other decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 9, 1949. Default decree of condemnation and destruction.

14917. Adulteration of cheese. U. S. v. 1 Case, etc. (F. D. C. No. 26846. Sample Nos. 31829-K, 31830-K.)

LIBEL FILED: March 9, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about December 10, 1948, from Pocatello, Idaho.

PRODUCT: 1 case containing 12 1-pound packages, and 7 cases, each containing 72 ½-pound packages, of cheese at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of fuel oil.

DISPOSITION: April 8, 1949. Default decree of condemnation and destruction.

14918. Misbranding of grated cheese. U. S. v. 80 Cases * * *. (F. D. C. No. 23891. Sample No. 12404-K.)

LIBEL FILED: November 3, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 20, 1947, by Swinger & Binenstock, from Philadelphia, Pa. This was a return shipment.

PRODUCT: 80 cases, each containing 24 jars, of cheese at Brooklyn, N. Y.

LABEL, IN PART: (Jar) "Cumberland Net Wt. 2 Oz. Vacuum Packed Parmesan Grated Cheese Packed & Dist. by Cumberland Dairy Products Co., Inc., Brooklyn, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: August 25, 1949. The Cumberland Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered. The court ordered that the product be released under bond, to be repacked and relabeled under the supervision of the Federal Security Agency.

FEEDS AND GRAINS

14919. Adulteration and misbranding of Fox No. 1 Mineral Feed and misbranding of Poultrate and Vetrone. U. S. v. Foxbilt, Inc., and E. Frank Fox. Pleas of guilty. Fine of \$325 against each defendant, plus costs. (F. D. C. No. 25602. Sample Nos. 25384-K, 25385-K, 25387-K.)

INFORMATION FILED: February 24, 1949, Southern District of Iowa, against Foxbilt, Inc., Des Moines, Iowa, and E. Frank Fox, president of the corporation.

ALLEGED SHIPMENT: On or about January 20 and April 9, 1948, from the State of Iowa into the State of Minnesota. A number of circulars entitled "How to Feed Fox No. 1 Mineral Feed" accompanied the Fox No. 1 Mineral Feed, and a number of booklets entitled "Calling All Hens" and "Foxbilt Feeds" accompanied the Poultrate and Vetrone, respectively.

LABEL, IN PART: "Fox No. 1 Mineral Feed * * * Guaranteed Analysis Calcium (Ca), Not more than 3.16%, Phosphorus, Not less than .50%, Iodine (I), Not less than .008%, Salt (NaCl), * * * None Contains Sodium Bicarbonate, Sulphate Soda, Soft Phosphate with Colloidal Clay, American Wormseed, Poke Root, Sulphur (7½%), Potassium Nitrate, Iron Oxide, Iron Sulphate, Cascara, Mandrake, Charcoal (5%), Areca Nut, Pulverized Limestone (Containing 98% Calcium Carbonate), Manganese Sulphate, Potassium Iodide"; "Poultrate * * * Guaranteed Analysis Protein, Not less than 25%, Fat, Not less than 3.5%, Calcium (Ca), Not more than 7.50%, Not less than 6%, Fiber, Not more than 6.5%, Phosphorus (P), Not less than 1.0%, Iodine (I), Not less than .01% Salt (NaCl), Not less than 4.6%, N. F. E., Not less than 18.0%"; and "Vetrone * * * Contents Ferric Sulphate, Cobalt Sulphate, Magnesium Sulphate, Ferrous Sulphate, Manganese Sulphate, Aluminum Sulphate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, phosphorus, had been in part omitted from the Fox No. 1 Mineral Feed.

Misbranding, Section 403 (a), certain statements in the labeling of the articles were false and misleading since the articles would not be effective for the purposes represented and since the Fox No. 1 Mineral Feed contained less than the declared amount of phosphorus. The statements represented and suggested that the Fox No. 1 Mineral Feed contained not less than .5 percent of phosphorus and would be effective in the treatment of digestive disorders in shoats and gilts, in the conditioning of pigs and stock hogs, in the treatment of all types of unthrifty and backward conditions in hogs, in the treatment of pigs when they go off their feed, in the treatment of horses of all types in a weakened run-down condition, in the treatment of sheep that are out-of-condition, and in the treatment of poultry in a run-down condition; that the Poultrate would be effective in the prevention and treatment in poultry of coccidiosis,

worms, cholera, typhoid, colds, roup, tuberculosis, and blackhead; and that the Vetrone when used as directed would be effective in the prevention and treatment of diseases of poultry, hogs, and dairy cows, in the prevention and treatment in poultry of coccidiosis, parasites, cholera, and a run-down condition, in the prevention of anemia in pigs, and in the treatment of pig scours, necro, and mastitis.

The Fox No. 1 Mineral Feed was alleged to be adulterated and misbranded, and the Poultrate and Vetrone, together with another product known as Fox Triumph Swine Liquid, were alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgments on drugs and devices, No. 2788.

DISPOSITION: May 21, 1949. Pleas of guilty having been entered, the court imposed a fine of \$325 against each defendant, together with costs.

14920. Adulteration of dehydrated alfalfa meal. U. S. v. Le Roy Alfalfa Corporation. Plea of guilty. Fine, \$300. (F. D. C. No. 26812. Sample Nos. 39272-K, 39273-K.)

INFORMATION FILED: June 22, 1949, Western District of New York, against the Le Roy Alfalfa Corp., Le Roy, N. Y.

ALLEGED SHIPMENT: On or about September 8 and December 18, 1948, from the State of New York into the State of Maryland.

LABEL, IN PART: "Dehydrated Alfalfa Meal Guaranteed Analysis Protein (Min.) 15%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted and abstracted from the article.

DISPOSITION: September 12, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

FISH AND SHELLFISH

14921. Adulteration of frozen rosefish fillets. U. S. v. 252 Cartons * * *. (F. D. C. No. 26904. Sample No. 5227-K.)

LIBEL FILED: April 14, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 16, 1949, by Coastal Foods, Inc., from Ellsworth, Maine.

PRODUCT: 252 10-pound cartons of frozen rosefish fillets at Chicago, Ill.

LABEL, IN PART: (Package, in carton) "Coastal Kitchen Brand Fillet of Maine Rosefish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: July 21, 1949. Default decree of condemnation and destruction.

14922. Adulteration of frozen rosefish fillets. U. S. v. 124 Cases * * *. (F. D. C. No. 26905. Sample Nos. 5224-K, 43659-K.)

LIBEL FILED: April 8, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 16, 1949, by Coastal Foods, Inc., from Ellsworth, Maine.

PRODUCT: 124 cases, each containing 5 10-pound cartons, of frozen rosefish fillets at Cincinnati, Ohio.

LABEL, IN PART: (Package, in carton) "Coastal Kitchen Brand Frozen Fillet of Maine Rosefish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 13, 1949. Default decree of condemnation and destruction.

14923. Alleged adulteration of crab meat. U. S. v. Vaughn S. Lankford (V. S. Lankford & Co.). Plea of not guilty. Tried to the jury. Verdict of not guilty. (F. D. C. No. 26294. Sample Nos. 3703-K, 3705-K.)

INFORMATION FILED: January 25, 1949, Eastern District of Virginia, against Vaughn S. Lankford, trading as V. S. Lankford & Co.

ALLEGED SHIPMENT: On or about August 24 and 25, 1948, from the State of Virginia into the State of Pennsylvania and the District of Columbia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and Section 402 (a) (4), it had been prepared and packed under unsanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before a jury on February 9, 1949. At the conclusion of the testimony, the jury was unable to agree upon a verdict. A retrial of the case was held on July 12, 1949, resulting in a verdict of not guilty.

14924. Adulteration of frozen shrimp. U. S. v. 65 Cases * * *. (F. D. C. No. 26922. Sample No. 22158-K.)

LIBEL FILED: April 14, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about March 12, 1949, from Salt Lake City, Utah.

PRODUCT: 65 cases, each containing 10 5-pound cartons, of frozen shrimp at Dallas, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 13, 1949. The Booth Fisheries Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered. The court ordered that the product be released under bond, to be dyed and disposed of as bait, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES *

CANNED FRUIT

14925. Adulteration of canned sliced apples. U. S. v. 114 Cases * * *. (F. D. C. No. 26907. Sample No. 49175-K.)

LIBEL FILED: April 18, 1949, District of Wyoming.

* See also Nos. 14901, 14902.

ALLEGED SHIPMENT: On or about July 17, 1948, by the Intermountain Food Co., from Provo, Utah.

PRODUCT: 114 cases, each containing 6 6-pound cans, of sliced apples at Laramie, Wyo.

LABEL, IN PART: "Mellhorn Brand Rocky Mountain Sliced Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration and unpalatable metallic taste.

DISPOSITION: May 25, 1949. The shipper of the product having authorized the taking of a final decree in the matter, judgment of condemnation was entered. The court ordered that the product be destroyed.

14926. Adulteration of canned apricots. U. S. v. 465 Cases * * *. (F. D. C. Nos. 26910, 26911. Sample Nos. 29756-K, 29758-K.)

LIBEL FILED: April 6, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about March 4, 1949, by the Stevens Canning Co., from Ogden, Utah.

PRODUCT: 465 cases, each containing 6 cans, of apricots at Denver, Colo.

LABEL, IN PART: "Stevens Brand Pre-Heated Solid Pack Pie Apricot Net Contents 6 Lbs. 10 Ozs. when Packed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect excreta.

DISPOSITION: May 20, 1949. The shipper having executed an acceptance of service and authorization for the taking of a final decree, judgment of condemnation was entered. The court ordered that the product be destroyed.

14927. Adulteration of canned blueberries. U. S. v. 43 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 26848, 26898, 26899. Sample Nos. 41206-K, 47004-K, 47008-K.)

LIBELS FILED: March 18 and 29, 1949, Western District of Washington and Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 13 and 20, 1948, by the Sea-Land Foods Corp., Homer, N. Y.

PRODUCT: Canned blueberries. 43 cases, each containing 6 6-pound, 6-ounce cans, at Seattle, Wash., and 87 cases, each containing 6 6-pound, 6-ounce cans, and 8 cases, each containing 24 14½-ounce cans, at Youngstown, Ohio.

LABEL, IN PART: "Sea-Land Selected Blueberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed blueberries.

DISPOSITION: July 29, 1949. Default decrees of condemnation and destruction.

DRIED FRUIT

14928. Adulteration of dried apricots. U. S. v. 80 Cases * * *. (F. D. C. No. 25785. Sample No. 2287-K.)

LIBEL FILED: September 27, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about December 4, 1946, from Santa Clara, Calif.

PRODUCT: 80 30-pound cases of dried apricots at Hagerstown, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 13, 1948. The C. D. Kenny Div., Consolidated Grocers Corp., Hagerstown, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency. Of the 2,430 pounds of apricots seized, 1,845 pounds were salvaged as fit for human consumption.

14929. Adulteration of prunes. U. S. v. 82 Cases, etc. (F. D. C. No. 25780. Sample Nos. 2288-K, 2289-K.)

LIBEL FILED: September 24, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about November 6, 1947, from San Jose, Calif.

PRODUCT: 102 25-pound cases of prunes at Hagerstown, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 13, 1948. The C. D. Kenny Div., Consolidated Grocers Corp., Hagerstown, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond, to be reconditioned and brought into compliance with the law, under the supervision of the Federal Security Agency. Of the 2,550 pounds of prunes seized, 1,175 pounds were salvaged as fit and 1,375 pounds were destroyed.

14930. Adulteration of raisins and dried peaches. U. S. v. 15 Boxes, etc. (F. D. C. No. 25781. Sample Nos. 2285-K, 2286-K, 2290-K.)

LIBEL FILED: September 27, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about November 6, 1947, from Fresno, Calif.

PRODUCT: 15 30-pound boxes and 8 15-ounce boxes of raisins, and 15 30-pound boxes of dried peaches at Hagerstown, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of mold. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 13, 1948. The C. D. Kenny Div., Consolidated Grocers Corp., Hagerstown, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered. The court ordered that the products be released under bond, conditioned that they be brought into compliance with the law, under the supervision of the Federal Security Agency. The reconditioning operations resulted in the salvage of 12½ cases of dried peaches and the rejection and destruction of 2½ cases. Reconditioning of the raisins was not attempted, and the entire 23 cases were destroyed.

FROZEN FRUIT

14931. Adulteration of frozen raspberries. U. S. v. 112¾ Cases * * *. (F. D. C. No. 26865. Sample No. 41142-K.)

LIBEL FILED: March 16, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about July 27, 1948, by Fresh Frozen Fruits, from Los Angeles, Calif. This was a return shipment.

PRODUCT: 112¾ cases of frozen raspberries at Seattle, Wash. Each full case contained 4 10-pound cans of the fruit.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and other insects.

DISPOSITION: July 29, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

14932. Adulteration of frozen raspberries. U. S. v. 122 Cans * * *. (F. D. C. No. 26908. Sample No. 30735-K.)

LIBEL FILED: April 14, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about March 4, 1949, by the Tacoma Ice Co., from Tacoma, Wash.

PRODUCT: 122 30-pound cans of frozen raspberries at Los Angeles, Calif.

LABEL, IN PART: "Sound Pak Brand Cuthbert Raspberries * * * Grown and Packed by Sound Fruit Growers Assn., Sumner, Washington."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: May 26, 1949. Default decree of condemnation and destruction.

14933. Adulteration of frozen strawberries. U. S. v. 599 Cases * * *. (F. D. C. No. 25396. Sample No. 21296-K.)

LIBEL FILED: August 19, 1948, District of Kansas.

ALLEGED SHIPMENT: On or about May 18, 1948, by the Skyland Processing Corp., from Hendersonville, N. C.

PRODUCT: 599 cases, each containing 24 1-pound packages, of frozen strawberries at Topeka, Kans.

LABEL, IN PART: "Pinebrook Farms Quick Frozen Sliced Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: August 12, 1949. Default decree of condemnation and destruction.

14934. Misbranding of frozen strawberries. U. S. v. 31 Cases * * *. (F. D. C. No. 26835. Sample No. 6772-K.)

LIBEL FILED: March 15, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 4, 1947, by Buffalo Frosted Foods, Inc., from Buffalo, N. Y.

PRODUCT: 31 cases, each containing 36 cartons, of frozen strawberries at Warren, Pa.

LABEL, IN PART: "Frozen Fresh Whole Strawberries Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the product was so filled as to be misleading; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the containers were about $\frac{3}{4}$ full and that they averaged 7.9 percent short weight.)

DISPOSITION: May 9, 1949. Default decree of condemnation and destruction.

VEGETABLES

14935. Adulteration of canned corn. U. S. v. 3,933 Cases * * *. (F. D. C. No. 26218. Sample No. 43155-K.)

INFORMATION FILED: December 10, 1948, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 10, 1948, by Libby, McNeill & Libby, from Sac City, Iowa.

PRODUCT: 3,933 cases, each containing 24 unlabeled cans, of corn at Hammond, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: On May 6, 1949, the sole intervener, Libby, McNeill & Libby, having withdrawn its appearance, claim, and answer, judgment of forfeiture was entered. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

14936. Adulteration of canned corn. U. S. v. 110 Cases, etc. (F. D. C. No. 26881. Sample Nos. 40706-K, 40954-K.)

LIBEL FILED: March 22, 1949, Western District of Washington; amended libel filed on or about March 25, 1949.

ALLEGED SHIPMENT: On or about December 4, 1948, and January 21, 1949, by Libby, McNeill & Libby, from Evansville, Wis.

PRODUCT: 159 cases, each containing 48 11-ounce cans, of corn at Seattle, Wash.

LABEL, IN PART: "Libby's Golden Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm fragments.

DISPOSITION: May 26, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

14937. Misbranding of potatoes. U. S. v. Young & Gussman Co., Inc., and Leo Young. Pleas of guilty. Each defendant fined \$200 (F. D. C. No. 25610. Sample No. 5437-K.)

INFORMATION FILED: February 23, 1949, District of Massachusetts, against Young & Gussman Co., Inc., Boston, Mass., and Leo Young, president.

INTERSTATE SHIPMENT: On or about October 21, 1948, from Woodstock, New Brunswick, Canada, to Boston, Mass., of a number of large bags of potatoes.

LABEL, WHEN SHIPPED: (Tags) "Canadian Certified Seed Potatoes."

ALLEGED VIOLATION: On or about October 28, 1948, while the potatoes were being held for sale after shipment in interstate commerce, the defendants caused the potatoes to be removed from the bags in which they were shipped in interstate commerce and to be repacked into small bags, labeled, in part, "Maine Potatoes * * * U. S. Grade No. 1 Arroostock Selected * * * Northeast Potato Co. Houlton, Maine," which act resulted in the product being misbranded under Section 403 (a), in that the statements in the label which represented that the potatoes had been grown in the State of Maine were false and misleading since the potatoes had been grown in the Dominion of Canada.

DISPOSITION: June 7, 1949. Pleas of guilty having been entered, each defendant was fined \$200.

14938. Misbranding of canned spinach. U. S. v. 35 Cases * * *. (F. D. C. No. 26866. Sample No. 27972-K.)

LIBEL FILED: March 16, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about December 13, 1948, by the River Valley Packing Co., from Atkins, Ark.

PRODUCT: 35 cases, each containing 6 cans, of spinach at Memphis, Tenn.

LABEL, IN PART: "Valley Brand Spinach Packed by Valley Packing Co., Lincoln, Arkansas Contents 6 Lbs. 2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short-weight.)

DISPOSITION: April 25, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

TOMATOES AND TOMATO PRODUCTS

14939. Adulteration of canned tomatoes. U. S. v. 1,792 Cases * * *. (F. D. C. No. 26245. Sample No. 25450-K.)

LIBEL FILED: December 30, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about November 4, 1948, by the Orestes Canning Co., Inc., from Elwood, Ind.

PRODUCT: 1,792 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Paul, Minn.

LABEL, IN PART: (Cans) "Good Folks Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 30, 1949. Default decree providing for destruction of the product unless properly denatured and disposed of as animal feed.

14940. Adulteration of canned tomatoes. U. S. v. 224 Cases * * *. (F. D. C. No. 26919. Sample No. 41835-K.)

LIBEL FILED: April 7, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 22, 1949, by Brady Tomatoes, Inc., from Martinsville, Ind.

PRODUCT: 224 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Richelieu Whole Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 13, 1949. Default decree of condemnation and destruction.

14941. Adulteration of tomato puree. U. S. v. B. Poggioli & Son. Plea of guilty.
Fine of \$250 on count 1, imposition of sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 26795. Sample Nos. 9234-K, 9235-K.)

INFORMATION FILED: May 24, 1949, District of New Jersey, against B. Poggioli & Son, a partnership, Vineland, N. J.

ALLEGED SHIPMENT: On or about August 15 and 31, 1948, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Poggioli * * * Fancy Italian Style Tomato Puree Packed in U. S. A. By B. Poggioli & Son Vineland, N. J." or "Au Gourmet * * * Fancy Tomato Puree—Meyer & Lange Distributors—New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), both shipments of the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material, and one shipment also consisted in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: July 22, 1949. A plea of guilty having been entered, the court imposed a fine of \$250 on count 1. Imposition of sentence was suspended on count 2, and the defendant was placed on probation for two years.

14942. Adulteration of tomato puree. U. S. v. 471 Cases * * *. (F. D. C. No 26915. Sample No. 45557-K.)

LIBEL FILED: April 6, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about March 10, 1949, by the Calvert Canning Co., from Daleville, Ind.

PRODUCT: 471 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at St. Paul, Minn.

LABEL, IN PART: "Home Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 27, 1949. Default decree ordering the product denatured for use as animal feed or destroyed.

14943. Adulteration of tomato puree. U. S. v. 165 Cases * * *. (F. D. C. No. 26872. Sample No. 45552-K.)

LIBEL FILED: March 18, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about January 28, 1949, by the Calvert Canning Co., from Daleville, Ind.

PRODUCT: 165 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at St. Paul, Minn.

LABEL, IN PART: "Home Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 12, 1949. Default decree ordering the product denatured by the United States marshall, for use as animal feed; otherwise, it was to be destroyed.

14944. Adulteration of tomato puree. U. S. v. 72 Cases * * *. (F. D. C. No. 26829. Sample No. 43184-K.)

LIBEL FILED: March 17, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 11, 1948, by Bluffton Foods, Inc., from Bluffton, Ind.

PRODUCT: 72 cases, each containing 6 No. 10 cans, of tomato puree at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 13, 1949. Default decree of condemnation and destruction.

NUTS

14945. Adulteration of shelled almonds. U. S. v. 12 Bags * * *. (F. D. C. No. 26650. Sample Nos. 5910-K, 5911-K.)

LIBEL FILED: March 14, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 3, 1948, from New York, N. Y.

PRODUCT: 12 112-pound bags of almonds at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 1, 1949. The John W. Leavitt Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond to be brought into compliance with the law, by cleansing, sorting, and picking out all objectionable material, under the supervision of the Food and Drug Administration. The salvaging operations resulted in the rejection of about 70 pounds of nuts, which were denatured and disposed of as animal feed.

14946. Adulteration of shelled peanuts. U. S. v. 93 Bags * * *. (F. D. C. No. 26896. Sample No. 34066-K.)

LIBEL FILED: March 28, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about December 16, 1948, from Abilene, Tex.

PRODUCT: 93 bags of shelled peanuts at San Jose, Calif., in possession of the Chase Candy Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 27, 1949. The Chase Candy Co. having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond for the salvaging of the good portion, under the supervision of the Federal Security Agency. A total of 13 bags were segregated as fit for human consumption, and the remainder of the product was denatured for use as animal feed.

14947. Adulteration of shelled pecans. U. S. v. 86 Cartons, etc. (F. D. C. No. 26834. Sample No. 33849-K.)

LIBEL FILED: March 8, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about September 22, 1948, by the R. E. Funsten Co., from St. Louis, Mo.

PRODUCT: 86 60-pound cartons and 4 25-pound cartons of shelled pecans at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its obnoxious odor and flavor.

DISPOSITION: April 19, 1949. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

14948. Adulteration of dried red peppers. U. S. v. Henry Dewey White (H. D. White). Plea of nolo contendere. Fine, \$800. (F. D. C. No. 24787. Sample Nos. 318-K, 4419-K, 4421-K, 6403-K.)

INFORMATION FILED: On or about March 4, 1949, Eastern District of South Carolina, against Henry Dewey White, trading as H. D. White, Timmons ville, S. C.

ALLEGED SHIPMENT: On or about July 24 and 26, September 8, and October 1 and 9, 1947, from the State of South Carolina into the States of Georgia, Virginia, New York, and Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect-infested peppers.

DISPOSITION: April 25, 1949. A plea of nolo contendere having been entered, the defendant was fined \$800.

14949. Adulteration of chili peppers. U. S. v. 110 Bags * * *. (F. D. C. No. 26663. Sample No. 46462-K.)

LIBEL FILED: March 22, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 18, 1946, from San Antonio, Tex.

PRODUCT: 110 bags, each containing 190 pounds, of chili peppers at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of

mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 7, 1949. The Jas. H. Forbes Tea & Coffee Co., claimant, having consented to the entry of decree, judgment of condemnation was entered. The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The salvage operations resulted in the release of 19,638 pounds of cleaned peppers.

14950. Adulteration and misbranding of salt. U. S. v. 67 Boxes * * *.
(F. D. C. No. 26855. Sample No. 53116-K.)

LIBEL FILED: March 18, 1949, Middle District of Alabama.

ALLEGED SHIPMENT: On or about November 17 and December 18, 1948, by the Chelsea Carton Co., from Boston, Mass.

PRODUCT: 67 boxes, each containing 10,000 packets, of salt at Montgomery, Ala.

LABEL, IN PART: "Unit-Service Packet Iodized Salt Contains * * * 0.01% Potassium Iodide."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, potassium iodide, had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statement "Contains * * * 0.01% Potassium Iodide" was false and misleading as applied to the article, which contained substantially less than 0.01 percent of potassium iodide.

DISPOSITION: October 12, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 14901 TO 14950

PRODUCTS

	N. J. No.		N. J. No.
Alfalfa meal, dehydrated-----	14920	Fish and shellfish-----	¹ 14921-14924
Almonds, shelled-----	14945	Flavors. See Spices, flavors, and	
Apples, canned, sliced-----	14925	seasoning materials.	
Apricots, canned-----	14926	Flour-----	14906-14912
dried-----	14928	Fox No. 1 Mineral Feed-----	14919
Bakery products-----	14904, 14905	Fruits and vegetables-----	14901,
Bevco Stabilizer-----	14903		14902, 14925-14944
Blueberries, canned-----	14927	fruit, canned-----	14925-14927
Bread-----	14905	dried-----	14928-14930
Butter-----	14913-14915	frozen-----	14931-14934
Cake-----	14904	tomatoes and tomato products	
coffee-----	14905		14939-14944
Cereals and cereal products-----		vegetables-----	14935-14938
	14904-14912	Grains. See Feeds and grains.	
Cheese-----	14916-14918	Grape juice-----	14901
grated-----	14918	Hominy-----	14907
Chili peppers-----	14949	Mineral Feed, Fox No. 1-----	14919
Cookies-----	14905	Nuts-----	14945-14947
Corn, canned-----	14935, 14936	Orange beverage-----	14902
meal-----	14906	Peaches, dried-----	14930
Crab meat-----	¹ 14923	Peanuts, shelled-----	14946
Dairy products-----	14913-14918	Pecans, shelled-----	14947
Enriched flour-----	14912	Peppers, chili-----	14949
Feeds and grains-----	14919, 14920	red, dried-----	14948

¹ (14923) Prosecution contested.

	N. J. No.		N. J. No.
Potatoes-----	14937	Spinach, canned-----	14938
Poultrate-----	14919	Stabilizer, Bevco-----	14903
Prunes-----	14929	Strawberries, frozen-----	14933, 14934
Raisins-----	14930	Tomato(es), canned-----	14939, 14940
Raspberries, frozen-----	14931, 14932	puree-----	14941-14944
Rosefish fillets, frozen-----	14921, 14922	Vegetables. <i>See</i> Fruits and veg-	
Salt-----	14950	etables.	
Shellfish. <i>See</i> Fish and shellfish.		Vetrone-----	14919
Shrimp, frozen-----	14924	Vita Orange-----	14902
Spices, flavors, and seasoning		Whole wheat flour-----	14911
materials-----	14948-14950		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Beatrice Foods Co. <i>See</i> Blue		Frey & Son, Inc.:	
Valley Div., Beatrice Foods		flour-----	14909
Co.		Funsten, R. E., Co.:	
Betty Bakerite, Inc.:		shelled pecans-----	14947
flour-----	14910	Harris & Filler:	
Blue Valley Div., Beatrice Foods		flour and hominy-----	14907
Co.:		Intermountain Food Co.:	
butter-----	14915	canned sliced apples-----	14925
Bluff City Mills:		Jakubowski, Walter:	
flour and corn meal-----	14906	butter-----	14913
Bluffton Foods, Inc.:		La Manna, Joseph:	
tomato puree-----	14944	grape juice-----	14901
Brady Tomatoes, Inc.:		Lankford, V. S.:	
canned tomatoes-----	14940	crab meat----- ¹	14923
Buffalo Frosted Foods, Inc.:		Lankford, V. S., & Co.: <i>See</i>	
frozen strawberries-----	14934	Lankford, V. S.	
Burlington Creamery Co.:		Le Roy Alfalfa Corp.:	
butter-----	14914	dehydrated alfalfa meal-----	14920
California Fruit Juice Co.:		Libby, McNeill & Libby:	
Vita Orange-----	14902	canned corn-----	14935, 14936
Calvert Canning Co.:		Meyer & Lange:	
tomato puree-----	14942, 14943	tomato puree-----	14941
Caris, Abe, and Philip:		New Jersey Butter Co. <i>See</i>	
cake-----	14904	Jakubowski, Walter.	
Carson Cake Co.:		Orestes Canning Co., Inc.:	
cake-----	14904	canned tomatoes-----	14939
Chandler Laboratories:		Poggioli, B., & Son:	
Bevco Stabilizer-----	14903	tomato puree-----	14941
Chase Candy Co.:		River Valley Packing Co.:	
shelled peanuts-----	14946	canned spinach-----	14938
Chelsea Carton Co.:		Robinson Milling Co.:	
salt-----	14950	enriched flour-----	14912
Coastal Foods, Inc.:		Sea-Land Foods Corp.:	
frozen rosefish fillets-----	14921, 14922	canned blueberries-----	14927
Cumberland Dairy Products Co.,		Shellabarger's, Inc.:	
Inc.:		flour-----	14908
grated cheese-----	14918	Skyland Processing Corp.:	
Fox, E. F.:		frozen strawberries-----	14933
Fox No. 1 Mineral Feed, Poul-		Sommella, Salvatore:	
trate, and Vetrone-----	14919	grape juice-----	14901
Foxbilt, Inc.:		Sound Fruit Growers Assn.:	
Fox No. 1 Mineral Feed, Poul-		frozen raspberries-----	14932
trate, and Vetrone-----	14919	Stevens Canning Co.:	
Frantz Home Bakers, Inc.:		canned apricots-----	14926
bread, cookies, and coffee cake-----	14905	Superior Packing Co.:	
Fresh Frozen Fruits:		grape juice-----	14901
frozen raspberries-----	14931		

¹ (14923) Prosecution contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

	N. J. No.		N. J. No.
Swinger & Binenstock:		White, Henry Dewey:	
grated cheese-----	14918	dried red peppers-----	14948
Tacoma Ice Co.:		Young, Leo:	
frozen raspberries-----	14932	potatoes (bags)-----	14937
Valley Packing Co.:		Young & Gussman Co., Inc.:	
canned spinach-----	14938	potatoes (bags)-----	14937
White, H. D. See White, Henry		Zongos, M. K.:	
Dewey.		grape juice-----	14901

ERRATUM

F. N. J. 14294, line 9, p. 301.

After LIBELS FILED, change "1946" to "1945."



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year

16-56699-1

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

14951-15000

FOODS

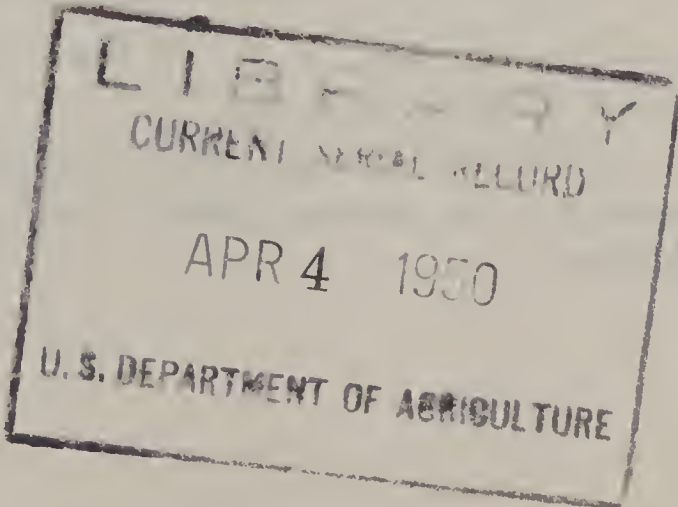
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *February 23, 1950.*

CONTENTS

	Page		Page
Candy.....	600	Fruits and vegetables—Continued..	
Dairy products.....	603	Vegetables and vegetable prod-	
Milk and cream.....	603	ucts.....	611
Fish.....	604	Tomatoes and tomato products..	612
Fruits and vegetables.....	607	Meat.....	613
Canned fruit.....	607	Nuts.....	614
Dried fruit.....	608	Index.....	615
Miscellaneous fruit and fruit			
products.....	609		



CANDY

14951. Adulteration of candy. U. S. v. 21 Boxes * * *. (F. D. C. No. 27064. Sample Nos. 53455-K, 53456-K.)

LIBEL FILED: April 28, 1949, Middle District of Alabama.

ALLEGED SHIPMENT: On or about April 1, 1949, by the Gilbert Candy Co., from Nashville, Tenn.

PRODUCT: 42 boxes, each containing 24 1½-ounce bundles, of stick candy at Montgomery, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 25, 1949. Default decree of condemnation and destruction.

14952. Adulteration of candy. U. S. v. 53 Boxes, etc. (F. D. C. No. 26909. Sample Nos. 51612-K, 51613-K.)

LIBEL FILED: April 1, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about March 11, 1949, by the Jacobs Candy Co., from Nashville, Tenn.

PRODUCT: 159 boxes of candy at Louisville, Ky.

LABEL, IN PART: "Cello Mint" or "Cello Assorted."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 3, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

14953. Adulteration of candy. U. S. v. 15 Boxes, etc. (F. D. C. No. 27018. Sample Nos. 1434-K, 1435-K.)

LIBEL FILED: April 22, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about March 16, 1949, by the Jacobs Candy Co., from Nashville, Tenn.

PRODUCT: 33 boxes of candy at Westminster, S. C.

LABEL, IN PART: "Betty Bundle 2 Oz. or over" or "120 Cello Asst'd."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 26, 1949. Default decree of condemnation and destruction.

14954. Adulteration of candy. U. S. v. 44 Boxes, etc. (F. D. C. No. 26983. Sample Nos. 51172-K, 51173-K.)

LIBEL FILED: April 8, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about March 8, 1949, by the Jacobs Candy Co., from Nashville, Tenn.

PRODUCT: 44 boxes of peanut stick candy and 57 boxes of mint stick candy at Somerset, Ky.

LABEL, IN PART: "Peanut [or "Mint"] The Big Five."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 20, 1949. Default decree of condemnation and destruction.

14955. Adulteration of candy. U. S. v. 12 Cartons * * *. (F. D. C. No. 26958. Sample No. 58003-K.)

LIBEL FILED: March 29, 1949, District of Arizona.

ALLEGED SHIPMENT: On or about February 6, 1948, from Ogden, Utah.

PRODUCT: 12 38-pound cartons of orange slices (candy) at Nogales, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 13, 1949. Default decree of condemnation and destruction.

14956. Adulteration of candy. U. S. v. 11 Cartons * * *. (F. D. C. No. 26941. Sample No. 62147-K.)

LIBEL FILED: On or about March 24, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about February 23, 1949, by the Hedison Bros. Confectionery Co., from Boston, Mass.

PRODUCT: 11 35-pound cartons of candy at Providence, R. I.

LABEL, IN PART: "Chocolate Bridge Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 10, 1949. Default decree of condemnation and destruction.

14957. Adulteration of candy. U. S. v. 26 Boxes, etc. (and 1 other seizure action). (F. D. C. Nos. 26931, 26932. Sample Nos. 11446-K, 11447-K, 56303-K.)

LIBEL FILED: March 17 and 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about February 17 and 18, 1949, by Gordon, Wolf, Cowen Co., Inc., from New York, N. Y.

PRODUCT: 26 boxes, each containing 72 pieces, and 4 cartons, each containing 48 pieces, of candy at Paterson, N. J., and 47 boxes, each containing 72 pieces, of candy at Perth Amboy, N. J.

LABEL, IN PART: "Gordon's Original Chocolate Covered Halvah Halvahnets," "Gordon's Original Halvah," and "Gordon's Delicious Marmalade."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (in a portion) of insect fragments and rodent hair fragments and the presence (in the remainder) of insect parts; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 2, 1949. Default decrees of condemnation. The products were ordered destroyed, with the exception of one box from each type of candy, which the court ordered delivered to the Food and Drug Administration, for official purposes.

14958. Adulteration and misbranding of chocolate Easter eggs and adulteration of chocolate rabbits. U. S. v. 4 Cases, etc. (F. D. C. No. 26914. Sample Nos. 16991-K, 16992-K.)

LIBEL FILED: April 5, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 12, 1949, by Chocolate Creations, Inc., from New York, N. Y.

PRODUCT: 4 cases each containing 12 chocolate Easter eggs, and 26 cases each containing 12 chocolate rabbits, at Milwaukee, Wis.

LABEL, IN PART: "Milk Chocolate Net Wt. 2 Oz." or "Chocolate Rabbit Net Wt. 7 Oz."

NATURE OF CHARGE: Chocolate Easter eggs and chocolate rabbits. Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Chocolate Easter eggs. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The eggs were short-weight.)

DISPOSITION: May 2, 1949. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of certain samples which were to be taken for official purposes by the Food and Drug Administration.

14959. Adulteration of candy jelly bird eggs and chocolate marshmallow Easter eggs. U. S. v. 343 Cases, etc. (F. D. C. No. 26888. Sample Nos. 53280-K, 53281-K.)

LIBEL FILED: March 23, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 16, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 343 35-pound cases of candy jelly bird eggs; and 10 cases each containing 30 cartons and each carton containing 1 dozen chocolate marshmallow Easter eggs, at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the jelly bird eggs were unfit for food by reason of the presence of wood fragments, and the chocolate marshmallow Easter eggs consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 19, 1949. Default decree of condemnation and destruction.

14960. Adulteration and misbranding of chocolate-covered eggs. U. S. v. 4 Cases * * *. (F. D. C. No. 26979. Sample No. 7947-K.)

LIBEL FILED: April 7, 1949, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about March 14, 1949, by the Sterling Specialty Co., from Pittsburgh, Pa.

PRODUCT: 4 cases, each containing 24 cartons, of chocolate-covered eggs, at Weirton, W. Va. Each carton contained one egg.

LABEL, IN PART: (Carton) "Lady Sterling Quality Candies Deluxe Hand Rolled Chocolate Covered Fruit and Nut Egg One Pound Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (d), the container was so made, formed, and filled as to be misleading since the carton was too large for the amount of candy contained therein. (The product occupied less than 70 percent of the volume of the container.)

DISPOSITION: May 17, 1949. Default decree of condemnation and destruction.

14961. Adulteration of chocolate-covered eggs. U. S. v. 54 Boxes * * *.
(F. D. C. No. 26923. Sample No. 7954-K.)

LIBEL FILED: April 6, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 14, 1949, by the Sterling Specialty Co., from Pittsburgh, Pa.

PRODUCT: 54 2-pound boxes of chocolate-covered eggs at Youngstown, Ohio.

LABEL, IN PART: "Lady Sterling Quality Candies Deluxe Hand Rolled Milk Chocolate Covered Fruit and Nut Egg Two Pounds Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

MILK AND CREAM

14962. Adulteration of milk. U. S. v. Charles Howard Donaldson. Plea of guilty. Fine, \$250. (F. D. C. No. 26328. Sample No. 40529-K.)

INFORMATION FILED: February 23, 1949, Western District of Washington, against Charles Howard Donaldson, a partner and manager of Donaldson Brothers, a partnership, Brush Prairie, Wash.

ALLEGED SHIPMENT: On or about July 16, 1948, from the State of Washington into the State of Oregon.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for milk; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality and strength.

DISPOSITION: July 12, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

14963. Adulteration of churning cream. U. S. v. 2 10-Gallon Cans * * *.
(F. D. C. No. 27030. Sample No. 29291-K.)

LIBEL FILED: March 15, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about March 12, 1949, by Stires Produce, from Atwood, Kans.

PRODUCT: 2 10-gallon cans of churning cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance; and it contained rodent hair fragments, dog hair fragments, and a human hair.

DISPOSITION: May 3, 1949. The shipper of the product having consented to the entry of a decree, judgment of condemnation and destruction was entered.

14964. Adulteration of churning cream. U. S. v. 1 10-Gallon Can * * *.
(F. D. C. No. 27031. Sample No. 29292-K.)

LIBEL FILED: March 15, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about March 12, 1949, by the Liberal Produce Co., from Liberal, Kans.

PRODUCT: 1 10-gallon can of churning cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance; and it contained a rodent hair.

DISPOSITION: May 3, 1949. The shipper of the product having consented to the entry of a decree, judgment of condemnation and destruction was entered.

FISH

14965. Adulteration of frozen ciscoes. U. S. v. 17 Boxes * * *. (F. D. C. No. 27015. Sample No. 11217-K.)

LIBEL FILED: April 19, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 25, 1949, by Lake St. Peter Fisheries, from East Montreal, Quebec, Canada.

PRODUCT: 17 boxes, containing a total of approximately 2,107 pounds of frozen ciscoes at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 10, 1949. Default decree of condemnation and destruction.

14966. Adulteration of frozen cod fillets. U. S. v. 44 Cartons * * *. (F. D. C. No. 27040. Sample No. 53440-K.)

LIBEL FILED: April 11, 1949, Northern District of Alabama.

ALLEGED SHIPMENT: On or about October 25, 1948, by Morris Fisheries, Inc., from Chicago, Ill.

PRODUCT: 44 cartons, each containing 10 pounds, of frozen cod fillets at Birmingham, Ala.

LABEL, IN PART: "North Atlantic Frosted Cod Fillets Packed by North Atlantic Fish Company, Boston, Mass., Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of hard, yellow, and fibrous fish.

DISPOSITION: May 16, 1949. Default decree of condemnation and destruction.

14967. Adulteration of canned jack mackerel. U. S. v. 93 Cases * * *.
(F. D. C. No. 26940. Sample No. 40323-K.)

LIBEL FILED: March 22, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about January 10, 1949, by the American Seafood Products Co., from Wilmington, Calif.

PRODUCT: 93 cases, each containing 48 15-ounce cans, of jack mackerel at Baltimore, Md.

LABEL, IN PART: (Can) "Marine Bowl Brand California Jack Mackerel."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), packing medium had been substituted in part for jack mackerel. (The product contained excessive packing medium.)

DISPOSITION: April 27, 1949. Default decree of condemnation and destruction. On April 28, 1949, the decree was amended and the court ordered that the product be delivered to public institutions.

14968. Adulteration of frozen rosefish fillets. U. S. v. 700 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26968, 26970. Sample Nos. 2794-K, 62179-K.)

LIBELS FILED: March 30 and 31, 1949, District of Columbia and District of Massachusetts.

ALLEGED SHIPMENT: On or about March 13 and 15, 1949, by F. J. O'Hara & Sons, Inc., from Rockland, Maine.

PRODUCT: Frozen rosefish fillets. 700 cases, each containing 10 5-pound cartons, at Washington, D. C., and 34 cases, each containing 10 5-pound cartons, at Somerville, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites, and, in addition, the 34 cases at Somerville consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: April 12 and May 11, 1949. F. J. O'Hara & Sons, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered. The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 29,000 pounds of fish seized under the 2 libels, 26,310 pounds were salvaged as good.

14969. Adulteration of frozen rosefish fillets. U. S. v. 51 Cases * * *. (F. D. C. No. 26994. Sample No. 5222-K.)

LIBEL FILED: April 11, 1949, District of Maine.

ALLEGED SHIPMENT: On or about March 16, 1949, by Coastal Foods, Inc., from Ellsworth, Maine.

The product was consigned to Cincinnati, Ohio, by railroad, but upon arrival at Northern Maine Junction, the railroad car containing the product was ordered returned to Ellsworth, Maine, where the product was removed from the car.

PRODUCT: 51 cases, each containing 5 10-pound cartons, of frozen rosefish fillets at Ellsworth, Maine.

LABEL, IN PART: (Package in carton) "Coastal Kitchen Brand Fillet of Maine Rosefish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: August 12, 1949. Decree of condemnation and destruction.

14970. Adulteration of frozen tullibees. U. S. v. 17 Boxes * * *. (F. D. C. No. 27016. Sample No. 11220-K.)

LIBEL FILED: April 19, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 5, 1949, by Straker Gross, from Montreal, Canada.

PRODUCT: 17 boxes, containing a total of approximately 2,098 pounds, of frozen tullibees at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 10, 1949. Default decree of condemnation and destruction.

14971. Adulteration of frozen tullibees. U. S. v. 1,238 Pounds * * *. (F. D. C. No. 26947. Sample No. 11215-K.)

LIBEL FILED: On or about March 30, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1949, by Lester Fisher, Marinette, Wis.

PRODUCT: 1,238 pounds of frozen tullibees at New York, N. Y.

LABEL, IN PART: (Box) "Product of Canada - Goldeyes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: April 19, 1949. Default decree of condemnation and destruction.

14972. Adulteration of frozen tullibees. U. S. v. 9 Boxes * * *. (F. D. C. No. 27017. Sample No. 11219-K.)

LIBEL FILED: April 19, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 4, 1949, by Mat Bodner, from Winnipeg, Manitoba, Canada.

PRODUCT: 9 boxes, containing a total of approximately 1,057 pounds, of frozen tullibees at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms, and of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 10, 1949. Default decree of condemnation and destruction.

14973. Adulteration of frozen tullibees. U. S. v. 629 Pounds * * *. (F. D. C. No. 27014. Sample No. 11216-K.)

LIBEL FILED: On or about April 20, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about February 15, 1949, by the Selvog Fish Co. and Booth Fisheries, from Warroad, Minn.

PRODUCT: 629 pounds of frozen tullibees at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: July 5, 1949. Default decree of condemnation and destruction.

DISPOSITION: May 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

VEGETABLES AND VEGETABLE PRODUCTS

14986. Adulteration and misbranding of canned spinach. U. S. v. 384 Cases
* * * (and 2 other seizure actions). (F. D. C. Nos. 26920, 26921,
26993. Sample Nos. 42036-K, 42037-K, 62155-K.)

LIBELS FILED: April 7 and 11, 1949, Northern District of Indiana and District of Massachusetts.

ALLEGED SHIPMENT: On or about January 6 and February 1 and 15, 1949, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 575 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Bluffton, Ind.; and 72 cases, each containing 6 6-pound, 6-ounce cans, of the same product at Boston, Mass.

LABEL, IN PART: "Gold Inn Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned spinach since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: June 22 and 28, 1949. Default decrees of condemnation and destruction.

14987. Adulteration of canned spinach. U. S. v. 376 Cases * * *. (F. D. C. No. 27059. Sample No. 41586-K.)

LIBEL FILED: April 18, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 18, 1949, by the Fresh Canning Co., from Spiro, Okla.

PRODUCT: 376 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Detroit, Mich.

LABEL, IN PART: "Le Flore Brand Fancy Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and it was otherwise unfit for food by reason of the presence of pieces of wood.

DISPOSITION: June 8, 1949. Default decree of condemnation and destruction.

14988. Adulteration of frozen spinach. U. S. v. 650 Cases * * *. (F. D. C. No. 26936. Sample No. 11451-K.)

LIBEL FILED: March 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 27, 1949, by Pan Am Foods, Inc., from Chicago, Ill.

PRODUCT: 650 cases, each containing 12 2½-pound cans, of spinach at Jersey City, N. J.

LABEL, IN PART: "(Can) Famous Booth Foods Quick Frozen Trimmed Cleaned Spinach * * * Distributed By Booth Fisheries Corporation * * * Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and other insects.

DISPOSITION: May 2, 1949. Default decree of condemnation and destruction.

14989. Adulteration of sweet mixed pickles. U. S. v. 38 Cases * * *. (F. D. C. No. 27054. Sample No. 6185-K.)

LIBEL FILED: April 21, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 28, 1949, by the Lohmann Foods Corp., from Gorham, N. Y.

PRODUCT: 38 cases, each containing 24 1-pint jars, of sweet mixed pickles at Pittsburgh, Pa.

LABEL, IN PART: "Lohmann's Sweet Mixed Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

DISPOSITION: July 28, 1949. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

14990. Adulteration of canned tomatoes. U. S. v. 330 Cases, etc. (F. D. C. No. 26957. Sample Nos. 10984-K, 10985-K.)

LIBEL FILED: March 28, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about October 9, 1948, by Westwood Canning Co., Inc., from Westwood, Ind.

PRODUCT: Tomatoes. 330 cases, each containing 6 6-pound, 6-ounce cans, and 112 cases, each containing 24 1-pound, 3-ounce cans, at Hartford, Conn.

LABEL, IN PART: "Connecticut Valley Brand Tomatoes" or "Elizabeth Park Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

14991. Adulteration of canned tomatoes. U. S. v. 215 Cases * * *. (F. D. C. No. 26924. Sample No. 51615-K.)

LIBEL FILED: April 7, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about February 14, 1949, by Kenneth N. Rider Co., Inc., from Trafalgar, Ind.

PRODUCT: 215 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: "Red Gold Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 7, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

14992. Adulteration of tomato catsup. U. S. v. 210 Cases * * *. (F. D. C. No. 27055. Sample No. 22159-K.)

LIBEL FILED: April 22, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about February 3, 1949, by Stokely-Van Camp, Inc., from Indianapolis, Ind.

PRODUCT: 210 cases, each containing 24 14-ounce bottles, of tomato catsup at Dallas, Tex.

LABEL IN PART: "Stokely's Finest Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 12, 1949. The sole intervener having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

14993. Adulteration of tomato catsup. U. S. v. 82 Cases * * *. (F. D. C. No. 27039. Sample No. 51607-K.)

LIBEL FILED: April 11, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about February 25, 1949, by Stokely-Van Camp Inc., from Curtice, Ohio.

PRODUCT: 82 cases, each containing 24 14-ounce bottles, of tomato catsup at Louisville, Ky.

LABEL, IN PART: "Stokely's Finest Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 6, 1949. Default decree of condemnation and destruction.

14994. Adulteration of tomato catsup. U. S. v. 67 Cases * * *. (F. D. C. No. 26963. Sample No. 10993-K.)

LIBEL FILED: March 28, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about November 9, 1948, by F. B. Huxley & Son, Inc., from Ontario, N. Y.

PRODUCT: 67 cases, each containing 24 14-ounce bottles, of tomato catsup at Waterbury, Conn.

LABEL, IN PART: "HUXSON Brand Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 23, 1949. Default decree of condemnation and destruction.

MEAT

14995. Adulteration and misbranding of frozen frog legs. U. S. v. 3 Cases * * *. (F. D. C. No. 27024. Sample No. 12355-K.)

LIBEL FILED: April 19, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 30, 1949, by the Atalanta Trading Corp., from New York, N. Y.

PRODUCT: 3 cases, each containing 10 5-pound cartons, of frozen frog legs at Philadelphia, Pa.

LABEL, IN PART: "Frozen Froglegs Net Wt. 5 lbs. Products of Occupied Japan Made by International Marine Products Co."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), ice had been substituted in whole or in part for frog legs.

Misbranding, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. (The cartons contained less than the declared weight of five pounds.)

DISPOSITION: May 23, 1949. The Atalanta Trading Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

14996. Adulteration of rabbits. U. S. v. 29 Barrels * * *. (F. D. C. No. 26951. Sample No. 8626-K.)

LIBEL FILED: March 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about March 8, 1949, by C. Hansen & Co., from Preston, Kans.

PRODUCT: 29 barrels, each containing approximately 200 pounds, of rabbits at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed rabbits.

DISPOSITION: April 19, 1949. Default decree of condemnation and destruction.

14997. Adulteration of dried sea snails. U. S. v. 32 Bags * * *. (F. D. C. No. 27061. Sample No. 31011-K.)

LIBEL FILED: April 22, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about July 5, 1946, from Ensenada, Mexico.

PRODUCT: 32 73-pound bags of dried sea snails at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1949. Default decree of condemnation and destruction.

NUTS

14998. Adulteration of shelled pecans. U. S. v. 16 Cases * * *. (F. D. C. No. 26999. Sample No. 3786-K.)

LIBEL FILED: April 14, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 27, 1949, by the Consolidated Pecan Sales Co., from Albany, Ga.

PRODUCT: 16 30-pound cases of shelled pecans at Norfolk, Va.

LABEL, IN PART: "Selected Pecan Meats Cream of the Crop."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs.

DISPOSITION: May 23, 1949. Default decree of condemnation and destruction.

14999. Adulteration of shelled pecans. U. S. v. 12 Cases * * *. (F. D. C. No. 26964. Sample No. 3790-K.)

LIBEL FILED: March 31, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 21, 1949, by the Consolidated Pecan Sales Co., from Albany, Ga.

PRODUCT: 12 30-pound cases of shelled pecans at Norfolk, Va.

LABEL, IN PART: "Selected Pecan Meats Cream of the Crop Large Pieces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: May 6, 1949. Default decree of condemnation and destruction.

15000. Adulteration of shelled pecans. U. S. v. 2 Cases * * *. (F. D. C. No. 26847. Sample No. 37664-K.)

LIBEL FILED: March 10, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 25, 1949, by the Travis Pecan Co., from San Antonio, Tex.

PRODUCT: 2 60-pound cases of shelled pecans at Richland, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nut meats.

DISPOSITION: May 20, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 14951 TO 15000

PRODUCTS			
	N. J. No.		N. J. No.
Apple(s), dried-----	14977, 14978	Grapefruit-----	14983
pomace-----	14982	Jack mackerel, canned-----	14967
Candy-----	14951-14961	Jam, strawberry-----	14985
Catsup, tomato-----	14992-14994	Jelly beans-----	14959
Cherries, canned-----	14975, 14976	Mackerel, canned-----	14967
Cherry juice-----	¹ 14980	Meat-----	14995-14997
Chocolate eggs-----	14958-14961	Milk-----	14962
rabbits-----	14958	Nuts-----	14998-15000
Ciscoes, frozen-----	14965	Olives-----	14984
Cod fillets, frozen-----	14966	Peaches, dried-----	14979
Cream, churning-----	14963, 14964	Pecans, shelled-----	14998-15000
Dairy products-----	14962-14964	Pickles, sweet mixed-----	14989
Eggs, chocolate-----	14958-14961	Rabbits-----	14996
Fig paste-----	14981	chocolate-----	14958
Fish-----	14965-14974	Rosefish fillets, frozen-----	14968, 14969
Frog legs, frozen-----	14995	Snails, sea, dried-----	14997
Fruits and vegetables-----	¹ 14975-14994	Spinach, canned-----	14986, 14987
fruit, canned-----	14975, 14976	frozen-----	14988
dried-----	14977-14979	Strawberry jam-----	14985
miscellaneous fruit and		Tomato(es), canned-----	14990, 14991
fruit products-----	¹ 14980-14985	catsup-----	14992-14994
tomatoes and tomato		Tullibeas, frozen-----	14970-14973
products-----	14990-14994	Vegetables. See Fruits and	
vegetables and vegetable		vegetables.	
products-----	14986-14989	Whiting, round, frozen-----	14974

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

Adams Apple Products:		Atalanta Trading Corp.:	
apple pomace-----	14982	frozen frog legs-----	14995
American Seafood Products Co.:		Bodner, Mat:	
canned jack mackerel-----	14967	frozen tullibeas-----	14972

¹ (14980) Permanent injunction issued.

	N. J. No.		N. J. No.
Booth Fisheries:		Jacobs Candy Co.:	
frozen spinach-----	14988	candy-----	14952-14954
tullibeas-----	14973	Lake St. Peter Fisheries:	
Chocolate Creations, Inc.:		frozen ciscoes-----	14965
chocolate Easter eggs and		Liberal Produce Co.:	
chocolate rabbits-----	14958	churning cream-----	14964
Coastal Foods, Inc.:		Lohmann Foods Corp.:	
frozen rosefish fillets-----	14969	sweet mixed pickles-----	14989
Consolidated Pecan Sales Co.:		M & W Fruit Co.:	
shelled pecans-----	14998, 14999	grapefruit -----	14983
Corning Warehouse & Olive		Meyer Canning Co.:	
Products Co.:		canned spinach-----	14986
olives -----	14984	Morris Fisheries, Inc.:	
D & D Foods Co.:		frozen cod fillets-----	14966
canned cherries-----	14975	National Syrup Products Co.:	
Donaldson, C. H.:		strawberry jam-----	14985
milk -----	14962	North Atlantic Fish Co.:	
Donaldson Brothers. <i>See</i>		frozen cod fillets-----	14966
Donaldson, C. H.		O'Hara, F. J., & Sons, Inc:	
Fisher, Lester:		frozen rosefish fillets-----	14968
frozen tullibeas -----	14971	Orbaker, Wesley:	
Fresh Canning Co.:		cherry juice ----- ¹	14980
canned spinach -----	14987	Pan Am Foods, Inc.:	
Gilbert Candy Co.:		frozen spinach-----	14988
candy -----	14951	Paulus Bros. Packing Co.:	
Gordon, Wolf, Cowen Co., Inc.:		canned cherries-----	14976
candy -----	14957	Phoenix Packing Co.:	
Gross, Straker:		dried peaches-----	14979
frozen tullibeas-----	14970	Rider, Kenneth N., Co., Inc.:	
Hadley, F. Edward, and		canned tomatoes-----	14991
Frederick Ernest:		Riggi Candy Co.:	
fig paste-----	14981	candy jelly bird eggs and	
Hadley, F. E., & Sons. <i>See</i>		chocolate marshmallow	
Hadley, F. Edward, and		Easter eggs-----	14959
Frederick Ernest.		Selvog Fish Co.:	
Hansen, C., & Co.:		frozen tullibeas -----	14973
rabbits-----	14996	Sterling Specialty Co.:	
Hedison Bros. Confectionery Co.:		chocolate-covered eggs--	14960, 14961
candy -----	14956	Stires Produce:	
Helfrich & Gregory, Inc.:		churning cream-----	14963
frozen round whiting-----	14974	Stokely-Van Camp, Inc.:	
Hunt Foods, Inc., Guggenhime		tomato catsup-----	14992, 14993
Div.:		Straker Gross:	
dried peaches-----	14979	frozen tullibeas-----	14970
Huxley, F. B., & Son, Inc.:		Travis Pecan Co.:	
tomato catsup -----	14994	shelled pecans -----	15000
International Marine Products		Valley Evaporating Co.:	
Co.:		dried apples-----	14977, 14978
frozen frog legs-----	14995	Westwood Canning Co., Inc:	
		canned tomatoes-----	14990

¹ (14980) Permanent injunction issued.



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15001-15050

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *February 23, 1950.*

CONTENTS

	Page		Page
Cereals and cereal products.....	618	Fruits and vegetables—Continued.	
Corn meal.....	618	Vegetables.....	625
Flour.....	618	Tomatoes and tomato products..	626
Miscellaneous cereals and cereal products.....	621	Nuts and nut products.....	629
Fish.....	623	Spices.....	631
Fruits and vegetables.....	624	Miscellaneous foods.....	632
Miscellaneous fruit and fruit products.....	624	Index.....	633

CEREALS AND CEREAL PRODUCTS**CORN MEAL**

15001. Adulteration of corn meal. U. S. v. Timme Brothers, Inc. Plea of guilty.

Fine, \$300. (F. D. C. No. 26768. Sample No. 25134-K.)

INFORMATION FILED: July 14, 1949, Western District of Wisconsin, against Timme Brothers, Inc., Lake Delton, Wis.

ALLEGED SHIPMENT: Between the approximate dates of November 3 and 26, 1948, from the State of Wisconsin into the State of Iowa.

LABEL, IN PART: "Timme Bros. Perfecto Golden Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae, larva heads, insect fragments, rodent excreta pellet fragments, and rodent hair fragments.

DISPOSITION: July 20, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

15002. Adulteration of corn meal. U. S. v. 200 Bags * * *. (F. D. C. No. 27456. Sample No. 47154-K.)

LIBEL FILED: July 8, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 23, 1949, by the Nappanee Milling Co., Inc., from Nappanee, Ind.

PRODUCT: 200 100-pound bags of corn meal at Braddock, Pa.

LABEL, IN PART: "Nappanee Kiln Dried Yellow Granular Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: July 26, 1949. Default decree of condemnation and destruction.

15003. Adulteration of corn meal. U. S. v. 4 Bags * * *. (F. D. C. No. 27310. Sample No. 4732-K.)

LIBEL FILED: June 8, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 17, 1949, by Boyd Brothers, from Portsmouth, R. I.

PRODUCT: 4 50-pound bags of corn meal at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 12, 1949. Default decree of condemnation and destruction.

FLOUR

Nos. 15004 to 15011 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15004. Adulteration of flour. U. S. v. 429 Sacks * * * (and 1 other seizure action). (F. D. C. Nos. 27145, 27148. Sample Nos. 55159-K, 55160-K.)

LIBELS FILED: May 19, and 20, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about May 3, 1949, by the Leger Mill Co., from Altus, Okla.

PRODUCT: 1,179 100-pound sacks of flour at Fort Worth and Abilene, Tex.

LABEL, IN PART: "Bleached Golden Seal Bakers Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 19, 1949. The Leger Mill Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

15005. Adulteration of flour. U. S. v. 384 Bags * * *. (F. D. C. No. 27414. Sample No. 62268-K.)

LIBEL FILED: June 10, 1949, District of Vermont.

ALLEGED SHIPMENT: On or about March 2, 1949, from Alton, Ill.

PRODUCT: 384 100-pound bags of flour at St. Johnsbury, Vt., in possession of George H. Cross Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 11, 1949. George H. Cross Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Of the 384 bags of the product which were seized, 234 bags were segregated as passable, and 150 bags were set aside as contaminated with filth and subsequently were denatured.

15006. Adulteration of flour. U. S. v. 175 Bags * * *. (F. D. C. No. 27572. Sample No. 40331-K.)

LIBEL FILED: July 12, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about March 18, 1949, from Buffalo, N. Y.

PRODUCT: 175 100-pound bags of flour at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 26, 1949. R. J. Taylor Co., Inc., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

15007. Adulteration of flour. U. S. v. 24 Bags, etc. (F. D. C. No. 27553. Sample Nos. 62422-K, 62423-K.)

LIBEL FILED: June 30, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 25 and March 29, 1949, from Buffalo and Bergen, N. Y.

PRODUCT: 50 100-pound bags of flour at Boston, Mass., in possession of the Thurman Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 25, 1949. The Thurman Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

15008. Adulteration of flour. U. S. v. 29 Bags. * * *. (F. D. C. No. 27012. Sample No. 62210-K.)

LIBEL FILED: April 15, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 20, 1948, from Black Rock, N. Y.

PRODUCT: 29 100-pound bags of flour at Watertown, Mass., in possession of G. Capaldi & Son, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1949. G. Capaldi & Son, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond, to be brought into compliance with the law by segregation and denaturing of the unfit portion, which was to be used as animal feed. The segregation operations resulted in the salvage of 6 bags of flour which were fit for human consumption and the denaturing of the remaining 23 bags.

15009. Adulteration of whole wheat flour. U. S. v. 25 Bags * * *. (F. D. C. No. 27309. Sample No. 5940-K.)

LIBEL FILED: June 7, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 28, 1949, from Pittsford, N. Y.

PRODUCT: 25 100-pound bags of whole wheat flour at Chelsea, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 30, 1949. Pittsford Flour Mills, Inc., Pittsford, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

15010. Adulteration of flour. U. S. v. 29 Bags, etc. (F. D. C. No. 27370. Sample Nos. 53368-K to 53371-K; incl.)

LIBEL FILED: On or about May 26, 1949, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about March 16, 1949, by the Moundridge Mill & Elevator Co., from Moundridge, Kans.

PRODUCT: 61 100-pound bags and 98 25-pound bags of flour at Tylertown, Miss.

LABEL, IN PART: "Pure Food Flour Enriched Phosphated [or "Self Rising"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 29, 1949. Default decree of condemnation. The court ordered that the product be denatured and delivered to a charitable institution, for use as animal feed.

15011. Adulteration of flour. U. S. v. 187 Cases, etc. (F. D. C. No. 27397. Sample Nos. 60702-K, 60703-K.)

LIBEL FILED: June 2, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 11, 1949, by the Moundridge Mill & Elevator Co., from Moundridge, Kans.

PRODUCT: 247 25-pound sacks of flour at Trenton, Tenn.

LABEL, IN PART: "Pure Food * * * Flour * * * Enriched Self-Rising [or "Enriched Phosphated"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1949. Default decree of condemnation. The court ordered that the product be sold for use other than for human consumption.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15012. Adulteration of corn grits. U. S. v. 56 Bags * * *. (F. D. C. No. 27147. Sample No. 51811-K.)

LIBEL FILED: May 16, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 29, 1948, from Mount Vernon, Ind.

PRODUCT: 56 100-pound bags of corn grits at Bellaire, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 5, 1949. The Matz Brewing Co., Bellaire, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

15013. Adulteration of popcorn. U. S. v. 6 Bags * * *. (F. D. C. No. 27334. Sample No. 1847-K.)

LIBEL FILED: June 17, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 7, 1949, by J. W. Bond, from Henderson, Ky.

PRODUCT: 6 100-pound bags of popcorn at Miami, Fla.

LABEL, IN PART: "100% Hybrid S A Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent-gnawed corn, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 22, 1949. Default decree of forfeiture and destruction.

15014. Adulteration of rice grits. U. S. v. 170 Bags * * *. (F. D. C. No. 27420. Sample No. 51839-K.)

LIBEL FILED: June 14, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 20, 1948, from Houston, Tex.

PRODUCT: 170 100-pound bags of rice grits at Bellaire, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 21, 1949. The Matz Brewing Co., Bellaire, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered, providing for the release of the product under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

15015. Adulteration of rice and buckwheat groats. U. S. v. 32 Bags, etc. (F. D. C. No. 26906. Sample Nos. 40707-K, 40975-K.)

LIBEL FILED: April 6, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about September 22, 1945, and October 31, 1947, from Sacramento, Calif., and Cohocton, N. Y.

PRODUCT: 32 100-pound bags of rice and 20 100-bound bags of buckwheat groats at Seattle, Wash., in possession of Port of Seattle, Bell Street Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (in the rice) of insects and rodent urine and (in the buckwheat groats) of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 29, 1949. Default decree of condemnation. The court ordered that the products be delivered to a Federal institution, for use as animal feed.

15016. Adulteration of wheat. U. S. v. 600 Bushels * * *. (F. D. C. No. 27088. Sample No. 30672-K.)

LIBEL FILED: May 9, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about March 25, 1949, from Ogden, Utah.

PRODUCT: 600 bushels of wheat at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance, chromium, which is unsafe within the meaning of the law.

DISPOSITION: May 27, 1949. The Union Pacific Railroad Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the court ordered that the product be released under bond, to be denatured and used as bait material in rodent poisoning, under the supervision of the Food and Drug Administration.

15017. Adulteration of meal. U. S. v. 60 Cases * * *. (F. D. C. No. 27411. Sample Nos. 41438-K, 50308-K, 50322-K.)

LIBEL FILED: June 16, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about December 17, 1948, and February 14, 1949, by Modern Products, Inc., from Paoli, Pa.

PRODUCT: 60 cases, each containing 12 2-pound packages, of meal at Seattle, Wash.

LABEL, IN PART: "Gayelord Hauser Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, rodent hairs, and rodent excreta.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

FISH

15018. Adulteration of frozen bluefish. U. S. v. 1,021 Pounds * * *. (F. D. C. No. 27345. Sample No. 11303-K.)

LIBEL FILED: June 30, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about May 7, 1949, by the Rayfield Fish Market, Panama City, Fla., the City Fish Market, Panama City, Fla., and the Star Fish Market, Port St. Joe, Fla.

PRODUCT: Approximately 1,021 pounds of frozen bluefish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: July 22, 1949. Default decree of condemnation and destruction.

15019. Adulteration of salted salmon sides. U. S. v. 1,200 Pounds * * *. (F. D. C. No. 27561. Sample No. 11309-K.)

LIBEL FILED: July 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 22, 1947, from Seattle, Wash.

PRODUCT: 1,200 pounds of salted salmon sides in 12 boxes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 29, 1949. Default decree of condemnation and destruction.

15020. Adulteration of frozen tullibees. U. S. v. 15 Boxes * * *. (F. D. C. No. 27204. Sample No. 56381-K.)

LIBEL FILED: May 12, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 1, 1949, by Keystone Fisheries, from Winnipeg, Manitoba, Canada.

PRODUCT: 15 boxes, containing a total of 730 pounds, of frozen tullibees at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: August 9, 1949. Default decree of condemnation and destruction.

15021. Adulteration of frozen whiting. U. S. v. 170 Boxes * * *. (F. D. C. No. 27087. Sample No. 44573-K.)

LIBEL FILED: April 29, 1949, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 17, 1949, by the Pond Village Cold Storage Co., from North Truro, Mass.

PRODUCT: 170 15-pound boxes of frozen whiting at Sioux City, Iowa.

LABEL, IN PART: "H & G Scaled Whiting Booth Fisheries" or "Pond Village Cold Storage Company * * * H & G Whiting Scaled."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 2, 1949. Default decree of condemnation. The court ordered that the product be sold, for use as animal feed.

FRUITS AND VEGETABLES

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS

15022. Adulteration of fresh red raspberries. U. S. v. 15 Barrels, etc. (F. D. C. Nos. 27065, 27066. Sample Nos. 30749-K, 30750-K.)

LIBEL FILED: May 2, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about March 4, 1949, by the Sound Fruit Growers Assn., from Sumner, Wash.

PRODUCT: 15 barrels each containing 385 pounds, and 27 barrels, each containing 400 pounds, of fresh red raspberries at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: June 20, 1949. Default decree of condemnation and destruction.

15023. Adulteration of dried peaches. U. S. v. 108 Cartons * * *. (F. D. C. No. 27108. Sample No. 19858-K.)

LIBEL FILED: May 9, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about March 9, 1949, by Guggenhime & Co., from Fresno, Calif.

PRODUCT: 108 30-pound cartons of peaches at Nashville, Tenn.

LABEL, IN PART: "California Dried Peaches * * * Phoenix Packing Company San Francisco, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: June 10, 1949; amended June 21, 1949. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for use as hog feed.

15024. Adulteration of raisins. U. S. v. 125 Cartons * * *. (F. D. C. No. 27141. Sample No. 23488-K.)

LIBEL FILED: May 11, 1949, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 24, 1948, from Dinuba, Calif.

PRODUCT: 125 30-pound cartons of raisins at Houston, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and larvae. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 15, 1949. Default decree of condemnation. The court ordered that the product be delivered to public institutions, for use as stock feed.

15025. Misbranding of jelly. U. S. v. 92 Jars * * *. (F. D. C. No. 27388. Sample No. 19346-K.)

LIBEL FILED: May 26, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 28, 1949, by the Cinnama Tang Products Co., from Syracuse, N. Y.

PRODUCT: 92 jars of jelly at Cleveland, Ohio.

LABEL, IN PART: "8 oz. Apple [or "Mint," "Cinnama," or "Grape"] Tang Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

VEGETABLES

15026. Adulteration of canned corn. U. S. v. 435 Cases * * *. (F. D. C. No. 27082. Sample No. 47023-K.)

LIBEL FILED: May 2, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about March 21, 1949, by Stokely-Van Camp, Inc., from Norwalk, Ohio.

PRODUCT: 435 cases, each containing 24 1-pound, 4-ounce cans, of corn at Buffalo, N. Y.

LABEL, IN PART: "Iona Golden Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 31, 1949. Default decree of condemnation and destruction.

15027. Adulteration of canned mustard greens. U. S. v. 477 Cases * * *. (F. D. C. No. 27076. Sample No. 23679-K.)

LIBEL FILED: April 29, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 22, 1949, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 477 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens at New Iberia, La.

LABEL, IN PART: "Patsy's Party Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. The product contained insects.

DISPOSITION: June 3, 1949. Default decree of condemnation and destruction.

15028. Adulteration of canned sweet potatoes. U. S. v. 194 Cases, etc. (F. D. C. No. 27323. Sample Nos. 3284-K, 3285-K.)

LIBEL FILED: June 13, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about January 10 and 17, 1949, by the John W. Taylor Packing Co., from Hallwood, Va.

PRODUCT: 1,138 cases, each containing 24 1-pound, 11-ounce (or 1-pound, 2-ounce) cans, of sweet potatoes at Baltimore, Md.

LABEL, IN PART: (Can) "Grosse Pointe Quality Solid Pack Sweet Potatoes 1 Lb. 11 Oz." or "Santa Rosa Brand Whole Vacuum Packed Sweet Potatoes Contents 1 Lb. 2 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition.

DISPOSITION: July 14, 1949. The Hahn Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered ordering the product released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. Of 1,074 cases that actually were seized, 279 were segregated and destroyed.

15029. Adulteration and misbranding of canned spinach. U. S. v. 280 Cases * * *. (F. D. C. No. 27167. Sample No. 49076-K.)

LIBEL FILED: April 27, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about March 1, 1949, by the Raymondville Canning Co., from Raymondville, Tex.

PRODUCT: 280 cases, each containing 6 7-pound cans, of spinach at Denver, Colo.

LABEL, IN PART: (Can) "Y B Your Best Brand Spinach Net Weight 7 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), twigs, bark, and grass had been substituted in part for spinach.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the cans contained less than the declared weight of 7 pounds); and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned spinach since it had not been properly prepared from the leaves of the spinach plant, as the definition and standard require.

DISPOSITION: June 1, 1949. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

15030. Adulteration of canned tomatoes. U. S. v. 538 Cases * * *. (F. D. C. No. 27173. Sample No. 62150-K.)

LIBEL FILED: April 29, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about December 17, 1948, by the Westwood Canning Co., from Westwood, Ind.

PRODUCT: 538 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at New London, Conn.

LABEL, IN PART: "Seal of Merit Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 1, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15031. Adulteration of canned tomatoes. U. S. v. 421 Cases * * *. (F. D. C. No. 27444. Sample No. 24298-K.)

LIBEL FILED: June 28, 1949, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 13, 1949, by the Elwood Canning Co., from Elwood, Ind.

PRODUCT: 421 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sioux City, Iowa.

LABEL, IN PART: "Bluebelle Brand * * * Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 9, 1949. Default decree of condemnation and destruction.

15032. Misbranding of canned tomatoes. U. S. v. 184 Cases * * *. (F. D. C. No. 26644. Sample No. 5743-K.)

LIBEL FILED: March 18, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about January 5, 1949, by Bay Country Foods, Inc., from Easton, Md.

PRODUCT: 184 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Concord, N. H.

LABEL, IN PART: (Can) "Longwoods Brand Tomatoes * * * Packed * * * by Longwoods Canning Co. Longwoods, Md."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: June 20, 1949. Default decree of condemnation. The court ordered that the product be delivered to a State institution.

15033. Adulteration of tomato catsup. U. S. v. 599 Cases * * *. (F. D. C. No. 27396. Sample No. 46558-K.)

LIBEL FILED: June 2, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 2, 1949, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: 599 cases, each containing 24 14-ounce bottles, of tomato catsup at East St. Louis, Ill.

LABEL, IN PART: "Fettig * * * Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 12, 1949. Default decree of condemnation and destruction.

15034. Adulteration of tomato catsup. U. S. v. 122 Cases * * *. (F. D. C. No. 27404. Sample No. 19866-K.)

LIBEL FILED: June 7, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about April 29, 1949, by the Sardik Food Products Corp., from Shirley, Ind.

PRODUCT: 122 cases, each containing 24 14-ounce bottles, of tomato catsup at Nashville, Tenn.

LABEL, IN PART: "Kroger Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 13, 1949. Default decree of condemnation and destruction.

15035. Adulteration of tomato catsup. U. S. v. 140 Cases, etc. (F. D. C. Nos. 27386, 27419. Sample Nos. 25696-K, 60772-K.)

LIBELS FILED: May 25 and June 13, 1949, Southern District of Iowa and Eastern District of Illinois.

ALLEGED SHIPMENT: On or about February 3 and March 29, 1949, by the Finer Foods Packing Corp., from Terre Haute, Ind.

PRODUCT: Tomato catsup. 140 cases at Des Moines, Iowa, and 75 cases at Corbondale, Ill. Each case contained 24 14-ounce bottles.

LABEL, IN PART: "Garden City Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 28 and July 5, 1949. Default decrees of condemnation and destruction.

15036. Adulteration of tomato catsup. U. S. v. 97 Cases * * *. (F. D. C. No. 27106. Sample No. 42025-K.)

LIBEL FILED: May 13, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 2, 1949, from Terre Haute, Ind., by the Finer Foods Packing Corp.

PRODUCT: 97 cases, each containing 24 14-ounce bottles, of tomato catsup at Chicago, Ill.

LABEL, IN PART: "Claretta Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material

DISPOSITION: June 14, 1949. Default decree of condemnation and destruction.

15037. Adulteration of tomato catsup. U. S. v. 28 Cases * * *. (F. D. C. No. 27387. Sample No. 46275-K.)

LIBEL FILED: May 27, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about October 28, 1946, by the De Schipper Packing Co., from Carthage, Ind., to St. Louis, Mo., and from the latter city by the Rosen Brokerage Co., on or about October 30, 1946.

PRODUCT: 28 cases, each containing 6 7-pound cans, of tomato catsup at Granite City, Ill.

LABEL, IN PART: "Kardinal Brand Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 20, 1949. Default decree of condemnation and destruction.

15038. Adulteration of tomato puree. U. S. v. 199 Cases * * *. (F. D. C. No. 27405. Sample No. 42150-K.)

LIBEL FILED: June 13, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 18, 1949, by the Decatur Packing Corp., from Greensburg, Ind.

PRODUCT: 199 cases, each containing 24 1-pound, 4-ounce cans, of tomato puree at Chicago, Ill.

LABEL, IN PART: "Sexton * * * Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 12, 1949. Default decree of condemnation. Thirty-nine cases of the product having been found to be suitable for food use, the court entered an order directing that these cases be sold or delivered to a charitable institution, and that the remainder of the product be destroyed.

NUTS AND NUT PRODUCTS

15039. Adulteration of sliced almonds. U. S. v. 182 Cartons * * *. (F. D. C. No. 26673. Sample No. 7923-K.)

LIBEL FILED: March 2, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 29, 1946, from Chico, Calif.

PRODUCT: 182 25-pound cartons of sliced almonds at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 9, 1949. Default decree of condemnation and destruction.

15040. Adulteration of peanuts in shell. U. S. v. 274 Cases * * *. (F. D. C. No. 26220. Sample No. 43547-K.)

LIBEL FILED: December 15, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 8, 1948, by the Lik-Em Peanut Co., from Indianapolis, Ind.

PRODUCT: 274 cases, each containing 12 1-pound bags, of peanuts in shell at Cincinnati, Ohio.

LABEL, IN PART: "Like-Em Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed and moldy peanuts.

DISPOSITION: February 16, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as stock feed.

15041. Adulteration of peanuts in shell. U. S. v. 49 Bags * * *. (F. D. C. No. 26182. Sample No. 19779-K.)

LIBEL FILED: December 2, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 8, 1947, Fayetteville, N. C.

PRODUCT: 49 100-pound bags of peanuts in shell at Indianapolis, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 1, 1949. Clark Francis, trading as the Peak Nut Co., Indianapolis, Ind., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be rendered into oil for technical use and not for human consumption, under the supervision of the Food and Drug Administration.

15042. Adulteration of shelled Spanish peanuts. U. S. v. 16 Bags * * *. (F. D. C. No. 27146. Sample No. 33430-K.)

LIBEL FILED: May 18, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about May 20, 1948, from Houston, Tex.

PRODUCT: 16 100-pound bags of shelled Spanish peanuts at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 13, 1949. Default decree of condemnation and destruction.

15043. Adulteration of salted Spanish peanuts. U. S. v. 71 Cartons * * *. (F. D. C. No. 27393. Sample No. 45500-K.)

LIBEL FILED: June 4, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about April 25, 1949, by the Winner Sales Co., from Chicago, Ill.

PRODUCT: 71 cartons, each containing 72 8-ounce cans, of peanuts at Minneapolis, Minn.

LABEL, IN PART: "White House Brand Salted Peanuts No. 1 Spanish * * * Packed by Dwinell-Wright Company, Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rancid peanuts.

DISPOSITION: July 26, 1949. A default decree was entered, providing for the destruction of the product unless properly processed and disposed of as animal feed.

15044. Adulteration of pecan pieces. U. S. v. 8 Boxes * * *. (F. D. C. No. 27381. Sample No. 19348-K.)

LIBEL FILED: May 25, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 19, 1949, by the Sunshine Pecan Co., from San Antonio, Tex.

PRODUCT: 8 60-pound boxes of pecan pieces at Cleveland, Ohio.

LABEL, IN PART: (Portion) "Amber Pieces Fancy Shelled Pecans D. McCrea & Son Yancey, Texas [or "From Sunshine Pecan Company"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. Examination showed the presence of decomposed pecans.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

15045. Adulteration of peanut butter. U. S. v. 49 Cases * * *. (F. D. C. No. 26946. Sample No. 1642-K.)

LIBEL FILED: March 26, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about February 24, 1949, by Colonial Stores, Inc., from Atlanta, Ga.

PRODUCT: 49 cases, each containing 12 1-pound, 8-ounce jars, of peanut butter at Greenville, S. C.

LABEL, IN PART: (Jar) "Tellam's High Grade Brand Peanut Butter * * * Mfd. by Wm. Tellam Co. Inc., Atlanta, Ga."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 16, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

SPICES

15046. Adulteration of fennel seed. U. S. v. 2 Drums * * *. (F. D. C. No. 27407. Sample No. 55408-K.)

LIBEL FILED: June 16, 1949, District of Nebraska.

ALLEGED SHIPMENT: On or about May 3, 1949, by Kearns & Smith Spice Co., Inc., from Chicago, Ill.

PRODUCT: 2 200-pound drums of fennel seed at Omaha, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its grittiness and the presence of sand and soil.

DISPOSITION: July 14, 1949. The sole owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

15047. Adulteration of fennel seed. U. S. v. 1 Drum * * *. (F. D. C. No. 27378. Sample No. 46546-K.)

LIBEL FILED: May 23, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 29, 1949, by McCormick & Co., Inc., from New York, N. Y.

PRODUCT: 1 100-pound drum of fennel seed at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: June 20, 1949. Default decree of condemnation and destruction.

15048. Adulteration of pepper hulls in brine. U. S. v. 2 Barrels * * *.
(F. D. C. No. 27430. Sample No. 51785-K.)

LIBEL FILED: June 30, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 15, 1949, by C. C. Lang & Son, Inc., from Milford, Va.

PRODUCT: 2 barrels, each containing 285 pounds, of pepper hulls in brine at Madison, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: August 5, 1949. Default decree of forfeiture and destruction.

MISCELLANEOUS FOODS

15049. Misbranding of frozen chicken pie. U. S. v. 11 Cases * * *. (F. D. C. No. 27049. Sample No. 44566-K.)

LIBEL FILED: April 16, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about March 23, 1949, by the Mountain Frozen Foods Co., from Denver, Colo.

PRODUCT: 11 cases each containing 36 chicken pies at St. Paul, Minn.

LABEL, IN PART: "Henry's Frozen Specialties Chicken Pie Net Wt. 7½ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The pies were short-weight.)

DISPOSITION: June 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15050. Adulteration of sunflower seed. U. S. v. 98 Packages * * *. (F. D. C. No. 26508. Sample No. 41202-K.)

LIBEL FILED: February 7, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about June 5, August 13, October 9, and November 29, 1945, from Jersey City, N. J.

PRODUCT: 98 1-pound packages of sunflower seed at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 26, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15001 TO 15050

PRODUCTS

	N. J. No.		N. J. No.
Almonds, sliced	15039	Mustard greens, canned	15027
Apple jelly	15025	Nuts and nut products	15039-15045
Bluefish, frozen	15018	Peaches, dried	15023
Buckwheat groats	15015	Peanut(s), in shell	15040, 15041
Catsup, tomato	15033-15037	butter	15045
Cereals and cereal prod-		Spanish	15042, 15043
ucts	15001-15017	Pecan pieces	15044
Chicken, pie, frozen	15049	Pepper hulls, in brine	15048
Cinnama jelly	15025	Pie, frozen chicken	15049
Corn, canned	15026	Popcorn	15013
grits	15012	Potatoes, sweet, canned	15028
meal	15001-15003	Raisins	15024
Fennel seed	15046, 15047	Raspberries, red, fresh	15022
Fish	15018-15021	Rice	15015
Flour	15004-15011	grits	15014
Fruits and vegetables	15022-15038	Salmon sides, salted	15019
miscellaneous fruit and fruit		Seed, sunflower	15050
products	15022-15025	Spanish peanuts	15042, 15043
tomatoes and tomato prod-		Spices	15046-15048
ucts	15030-15038	Spinach, canned	15029
vegetables	15026-15029	Sunflower seed	15050
Gayelord Hauser Meal	15017	Sweet potatoes, canned	15028
Grape jelly	15025	Tomato(es), canned	15030-15032
Greens, mustard, canned	15027	catsup	15033-15037
Grits, corn	15012	puree	15038
rice	15014	Tullibeas, frozen	15020
Groats, buckwheat	15015	Vegetables. See Fruits and	
Jelly, apple, mint, Cinnama, and		vegetables.	
grape	15025	Wheat	15016
Meal, Gayelord Hauser	15017	Whiting, frozen	15021
Mint jelly	15025	Whole wheat flour	15009

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Bay Country Foods, Inc.:		Meyer Canning Co.:	
canned tomatoes-----	15032	canned mustard greens-----	15027
Bond, J. W.:		Modern Products, Inc.:	
popcorn-----	15013	meal-----	15017
Booth Fisheries:		Moundridge Mill & Elevator Co.:	
frozen whiting-----	15021	flour-----	15010, 15011
Boyd Brothers:		Mountain Frozen Foods Co.:	
corn meal-----	15003	frozen chicken pie-----	15049
Capaldi, G., & Son, Inc.:		Nappanee Milling Co., Inc.:	
flour-----	15008	corn meal-----	15002
Cinnama Tang Products Co.:		Phoenix Packing Co.:	
jelly-----	15025	dried peaches-----	15023
City Fish Market:		Pond Village Cold Storage Co.:	
frozen bluefish-----	15018	frozen whiting-----	15021
Colonial Stores, Inc.:		Port of Seattle, Bell Street	
peanut butter-----	15045	Warehouse:	
Cross, George H., Co., Inc.:		rice and buckwheat groats----	15015
flour-----	15005	Rayfield Fish Market:	
Decatur Packing Corp.:		frozen bluefish-----	15018
tomato puree-----	15038	Raymondville Canning Co.:	
De Schipper Packing Co.:		canned spinach-----	15029
tomato catsup-----	15037	Rosen Brokerage Co.:	
Dwinel-Wright Co.:		tomato catsup-----	15037
salted Spanish peanuts-----	15043	Sardik Food Products Corp.:	
Elwood Canning Co.:		tomato catsup-----	15034
canned tomatoes-----	15031	Seattle, Port of, Bell Street	
Fettig Canning Corp.:		Warehouse:	
tomato catsup-----	15033	rice and buckwheat groats----	15015
Finer Foods Packing Corp.:		Sound Fruit Growers Assn.:	
tomato catsup-----	15035, 15036	fresh red raspberries-----	15022
Guggenhime & Co.:		Star Fish Market:	
dried peaches-----	15023	frozen bluefish-----	15018
Kearns & Smith Spice Co., Inc.:		Stokely-Van Camp, Inc.:	
fennel seed-----	15046	canned corn-----	15026
Keystone Fisheries:		Sunshine Pecan Co.:	
frozen tullibeas-----	15020	pecan pieces-----	15044
Lang, C. C., & Son, Inc.:		Taylor, John W., Packing Co.:	
pepper hulls in brine-----	15048	canned sweet potatoes-----	15028
Leger Mill Co.:		Tellam, Wm., Co., Inc.:	
flour-----	15004	peanut butter-----	15045
Lik-Em Peanut Co.:		Thurman Co.:	
peanuts in shell-----	15040	flour-----	15007
Longwoods Canning Co.:		Timme Brothers, Inc.:	
canned tomatoes-----	15032	corn meal-----	15001
McCormick & Co., Inc.:		Westwood Canning Co.:	
fennel seed-----	15047	canned tomatoes-----	15030
McCrea, D., & Son:		Winner Sales Co.:	
pecan pieces-----	15044	salted Spanish peanuts-----	15043

☆ APR 20 1950 ☆

U. S. DEPARTMENT OF AGRICULTURE



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15051-15100

FOODS

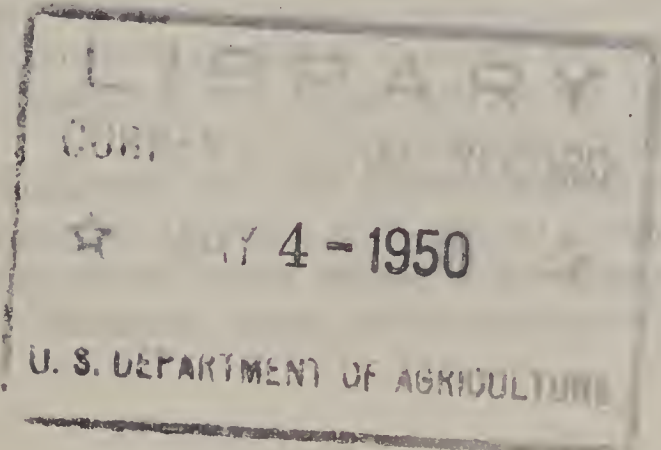
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 13, 1950.*

CONTENTS

	<i>Page</i>		<i>Page</i>
Beverages and beverage materials	636	Dairy products	647
Cereals and cereal products	639	Butter	647
Bakery products	639	Miscellaneous dairy products	648
Flour	640	Fish and shellfish	648
Macaroni and noodle products	642	Vegetables	650
Chocolate and candy	644	Tomatoes and tomato products	652



BEVERAGES AND BEVERAGE MATERIALS

15051. Adulteration of beer. U. S. v. 1,500 Cases (and 1 other seizure action).
(F. D. C. Nos. 21197, 21356. Sample Nos. 67358-H, 67441-H.)

LIBELS FILED: On or about October 23, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about September 24 and October 3, 1946, by the King Cole Breweries, Inc., from Chicago and Chicago Heights, Ill.

PRODUCT: Beer. 1,500 cases, each containing 24 12-ounce bottles, at Wichita, Kans.; and 83 barrels, each containing 32 gallons, and 140 barrels, each containing 15½ gallons, at Emporia, Kans.

Analyses of samples from the barrels and the bottles showed that the beer contained 125 parts per million and 205 parts per million of monochloroacetic acid, respectively.

LABEL, IN PART: (Bottles) "Headlite Lager Beer"; (barrels) "Maltaza Select Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and its use could have been avoided by good manufacturing practice.

DISPOSITION: November 5, 1946, and January 8, 1947. The King Cole Breweries, Inc., having appeared as claimant for the lot at Emporia, and the receiver for the corporation having appeared as claimant for the lot at Wichita, and both claimants having consented to the entry of decrees, judgments of condemnation were entered. Thereupon, the product was ordered released under bond, conditioned that the contents of the bottles and barrels be destroyed under the supervision of the Federal Security Agency.

15052. Action to enjoin and restrain the interstate shipment of apple juice, apple cider, fermented vinegar stock, and vinegar. U. S. v. The Speas Co. Consent decree granting injunction. (Inj. No. 193.)

COMPLAINT FILED: May 28, 1948, District of Colorado, against the Speas Co., a corporation, Kansas City, Mo., and Denver, Colo.

NATURE OF CHARGE: That the defendant had been and is engaged in the business of manufacturing apple juice and apple cider and fermented vinegar stock and vinegar, and had shipped in interstate commerce these products, which were adulterated within the meaning of Section 402 (a) (3), in that they consisted in part of filthy and decomposed substances by reason of the presence of worms, worm fragments, insects, rodent excreta, and rotten apple material, and which were adulterated further within the meaning of Section 402 (a) (4), in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The complaint alleged further that the insanitary conditions consisted of, and resulted from, the use of rotten and wormy apples, and the presence of insects, rodents, rodent excreta, dirt, and other filth in and around the machinery, equipment, and raw materials on the premises of the Denver plant.

The complaint alleged further that the defendant held and stored these products at its plant in Denver, Colo.; that the defendant continued to introduce into interstate commerce products which were adulterated; and that the defendant would continue to do so unless restrained from such acts.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from shipping into interstate commerce apple juice, apple cider, fermented vinegar stock, and vinegar, which are adulterated; and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: June 30, 1948. The defendant having consented to the entry of a decree, judgment was entered enjoining the defendant from shipping in interstate commerce 75,933 gallons of adulterated apple cider stock and apple vinegar which were stored in the Denver, Colo., plant, and from shipping in interstate commerce from the Denver, Colo., plant any adulterated apple juice, apple cider, fermented vinegar stock, and vinegar.

On July 21, 1948, it having then been determined that 12,000 gallons of the apple cider stock might be processed and distilled in compliance with the law, the injunction decree was modified to permit the interstate shipment of the product resulting from distillation of the 12,000 gallons.

15053. Adulteration of canned pineapple juice. U. S. v. 57 Cases * * *. (F. D. C. No. 27160. Sample No. 8421-K.)

LIBEL FILED: April 25, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 11, 1948, by Compania Industrial Agricola, Inc., from Manati, P. R.

PRODUCT: 57 cases, each containing 24 1-pint, 2-fluid-ounce cans, of pineapple juice at Newark, N. J.

LABEL, IN PART: "Santana Brand Fancy Puerto Rican Pineapple Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and decomposed pineapple material, and it was otherwise unfit for food by reason of its abnormal odor and flavor.

DISPOSITION: July 18, 1949. Default decree of condemnation and destruction.

15054. Adulteration of tomato juice. U. S. v. 417 Cases * * *. (F. D. C. No. 27325. Sample No. 5767-K.)

LIBEL FILED: June 16, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 1, 1949, by Gervas Canning Co., Inc., from Fredonia, N. Y.

PRODUCT: 417 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Keene, N. H.

LABEL, IN PART: "IGA * * * Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 16, 1949. Default decree of condemnation and destruction.

15055. Adulteration of tomato juice. U. S. v. 314 Cases * * *. (F. D. C. No. 26270. Sample No. 15256-K.)

LIBEL FILED: On or about January 18, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 27, 1948, by the Leisure Packing Co., from Leisure, Ind.

PRODUCT: 314 cases, each containing 24 unlabeled No. 2 cans, of tomato juice at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 21, 1949. Default decree of condemnation and destruction.

15056. Adulteration of tomato juice. U. S. v. 239 Cases * * *. (F. D. C. No. 26483. Sample No. 43633-K.)

LIBEL FILED: January 27, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 6, 1948, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 239 cases, each containing 24 cans, of tomato juice at Louisville, Ky.

LABEL, IN PART: "Pendennis Tomato Juice Contents 1 Pt. 7 Fl. Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 4, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

15057. Adulteration of tomato juice. U. S. v. 179 Cases * * *. (F. D. C. No. 27092. Sample No. 19375-K.)

LIBEL FILED: May 4, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 16, 1948, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 179 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Canton, Ohio.

LABEL, IN PART: "Linwood Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

15058. Adulteration of tomato juice. U. S. v. 67 Cases, etc. (F. D. C. No. 21155. Sample No. 67621-H.)

LIBEL FILED: On or about October 7, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 25, 1946, by the Border Packing Corp., from Brownsville, Tex.

PRODUCT: 67 cases, each containing 24 1-pint, 2-ounce cans, of tomato juice at St. Joseph, Mo.

LABEL, IN PART: "Honor Tomato Juice Packed for Honor Co., Inc., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: December 24, 1946. Default decree of destruction.

15059. Adulteration of coffee. U. S. v. 60 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 27354, 27356. Sample Nos. 8448-K, 8449-K.)

LIBELS FILED: June 24 and 27, 1949, District of New Jersey and Eastern District of New York.

ALLEGED SHIPMENT: On or about March 28, 1949, from Aden, Arabia.

PRODUCT: 139 91-pound bags of coffee at Port Newark, N. J., and Brooklyn, N. Y. The article was involved in a collision in the harbor, which resulted in its submersion in the harbor water for 6½ days.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its contamination with polluted water, coal dust, and mold; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 24 and October 14, 1949. Default decrees of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15060. Alleged adulteration of bread and rolls. U. S. v. Frank M. Wilson, Jr. (Wilson Wholesale Bakery). Plea of not guilty. Tried before the jury. Verdict of not guilty. (F. D. C. No. 25288. Sample Nos. 3655-K to 3657-K, incl.)

INFORMATION FILED: August 9, 1948, Eastern District of North Carolina, against Frank M. Wilson, Jr., trading as the Wilson Wholesale Bakery, Elizabeth City, N. C.

ALLEGED SHIPMENT: On or about May 4, 1948, from the State of North Carolina into the State of Virginia.

LABEL, IN PART: "Cream Loaf Sliced," "Tommy Tucker Bread," and "Tommy Tucker Fresh Pan Rolls."

NATURE OF CHARGE: Alleged adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, a small fly, a flour beetle, and an insect larva; and, Section 403 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 26, 1949. A plea of not guilty having been entered, the case was tried before a jury and a verdict of not guilty was returned.

15061. Adulteration of bread. U. S. v. Allied Baking Co. and Manning I. Silver. Pleas of guilty. Corporation fined \$300; individual defendant fined \$100. (F. D. C. No. 26769. Sample Nos. 4845-K, 4846-K.)

INFORMATION FILED: July 1, 1949, District of Massachusetts, against the Allied Baking Co., a corporation, Springfield, Mass., and Manning I. Silver, president.

ALLEGED SHIPMENT: On or about December 13, 1948, from the State of Massachusetts into the State of Connecticut.

LABEL, IN PART: "A B C Canadian Health Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1949. Pleas of guilty having been entered, the corporation was fined \$300 and the individual defendant was fined \$100.

15062. Adulteration of blueberry pies. U. S. v. Mrs. Smith's Pie Co., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 26756. Sample Nos. 13267-K to 13269-K, incl.)

INFORMATION FILED: April 5, 1949, Eastern District of Pennsylvania, against Mrs. Smith's Pie Co., Inc., Philadelphia, Pa.

ALLEGED SHIPMENT: On or about October 7 and 8, 1948, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Deluxe Mrs. Smith's Pie."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 7, 1949. A plea of nolo contendere having been entered, the defendant was fined \$75.

15063. Adulteration of ice cream cones. U. S. v. 55 Cases * * *. (F. D. C. No. 27379. Sample No. 22019-K.)

LIBEL FILED: May 25, 1949, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about April 2, 1949, by the Turnbull Cone Baking Co., from Chattanooga, Tenn.

PRODUCT: 55 cases of ice cream cones at Jackson, Miss.

LABEL, IN PART: "Turnbull 600 Dispenser Pack No. 24 Cup-O-Joy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 30, 1949. Default decree of forfeiture and destruction.

FLOUR

15064. Adulteration and misbranding of flour. U. S. v. 46 Bags * * *. (F. D. C. No. 27050. Sample No. 25687-K.)

LIBEL FILED: April 18, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about March 28, 1949, by the J & M Trading Co., from Warrensburg, Mo.

PRODUCT: 46 unlabeled bags, each bag containing 65 pounds, of flour at Des Moines, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

Misbranding, Sections 403 (e) (1) and (2), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product was flour, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the regulations.

DISPOSITION: June 28, 1949. Default decree of condemnation and destruction.

15065. Adulteration and misbranding of enriched flour. U. S. v. Lanesville Milling Co. Plea of guilty. Fine, \$250. (F. D. C. No. 26723. Sample Nos. 19790-K, 43556-K.)

INFORMATION FILED: August 13, 1949, Southern District of Indiana, against the Lanesville Milling Co., a partnership, Lanesville, Ind.

ALLEGED SHIPMENT: On or about September 28 and December 1, 1948, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Purity Flour" or "White Lily * * * Bleached Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁ and riboflavin, in the case of the Purity Brand, and vitamin B₁, riboflavin, niacin, and iron, in the case of the White Lily Brand, had been in part omitted; Section 403 (g) (1), the product fell below the definition and standard of identity for enriched flour since both brands contained, in each pound, less than 2 milligrams of vitamin B₁ and less than 1.2 milligrams of riboflavin, and, in addition, the White Lily Brand contained less than 16 milligrams of niacin or niacinamide and less than 13 milligrams of iron; and, Section 403 (a), the label statements, (Purity Flour) "8 ounces of this Enriched Flour contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%, Riboflavin 30%" and (White Lily Brand) "8 ounces of this Enriched Flour contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65% * * * and 8 mg. of Niacin," were false and misleading since 8 ounces of the Purity Brand would furnish smaller proportions of the minimum daily requirements for vitamin B₁ and riboflavin than represented on the label, and 8 ounces of the White Lily Brand would furnish smaller proportions of the minimum daily requirements for vitamin B₁, riboflavin, iron, and niacin than declared on the label.

DISPOSITION: September 9, 1949. A plea of guilty having been entered, the defendant was fined \$250.

15066. Misbranding of enriched flour. U. S. v. Flour Mills of America, Inc. (Valier & Spies Milling Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 26709. Sample Nos. 2832-K, 46213-K.)

INFORMATION FILED: June 21, 1949, Eastern District of Missouri, against Flour Mills of America, Inc., trading as Valier & Spies Milling Co., at St. Louis, Mo.

ALLEGED SHIPMENT: On or about September 24 and November 17, 1948, from the State of Missouri into the States of North Carolina and Illinois.

LABEL, IN PART: "Valier's Dainty Vitamin and Mineral Enriched Flour" or "Dixie's Famous Vitamin and Mineral Enriched * * * Selfrising Flour."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour since it contained less than 2 milligrams of thiamine (vitamin B₁), less than 1.2 milligrams of riboflavin, less than 16 milligrams of niacin or niacinamide, and less than 13 milligrams of iron, per pound, the minimum of these enriching ingredients permitted by the standard; and, Section 403 (a), the statements, "8 Ozs. enriched flour [or "enriched self-rising flour"] contain not less than the following proportions of the minimum daily requirements of thiamine 100%, riboflavin 30%, iron 65% * * * and 8 mg. of niacin," borne on the labels were false and misleading since 8 ounces of the product contained less than the declared proportions of the minimum daily requirements for thiamine (vitamin B₁), riboflavin, and iron, less than 8 milligrams of niacin.

DISPOSITION: July 6, 1949. A plea of guilty having been entered, the defendant was fined \$500.

MACARONI AND NOODLE PRODUCTS

15067. Adulteration of macaroni (Sea Shells). U. S. v. Pacific Coast Macaroni Mfg. Co., Inc., and Joseph Merlino. Pleas of guilty. Fine of \$250 and costs against corporation; fine of \$100 against individual. (F. D. C. No. 26342. Sample No. 40751-K.)

INFORMATION FILED: April 25, 1949, Western District of Washington, against the Pacific Coast Macaroni Mfg. Co., Inc., Seattle, Wash., and Joseph Merlino, president of the corporation.

ALLEGED SHIPMENT: On or about November 2, 1948, from the State of Washington into the State of Montana.

LABEL, IN PART: "Three Monks Brand Sea Shells."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 23, 1949. Pleas of guilty having been entered, the court imposed a fine of \$250 and costs against the corporation and a fine of \$100 against the individual.

15068. Adulteration and misbranding of noodles. U. S. v. Frank Gee (World-Noodle Co.). Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 26722. Sample Nos. 40318-K to 40320-K, incl.)

INFORMATION FILED: August 19, 1949, District of Maryland, against Frank Gee, trading as the World-Noodle Co., Baltimore, Md.

ALLEGED SHIPMENT: On or about January 4 and 11, 1949, from the State of Maryland into the District of Columbia.

LABEL, IN PART: (Portion) "Noodles Ingredients: Flour, Egg, Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to be better or of greater value than it was.

Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since it bore no label containing such statement; Section 403 (g) (1), the product failed to conform to the definition and standard of identity for noodle products since its total solids contained less than 5.5 percent by weight of the solids of egg or egg yolk, and since it contained artificial coloring, which is not an optional ingredient; and, Section 403 (g) (2) (portion), the label failed to bear the name of the food specified in the definition and standard, namely, noodles.

DISPOSITION: October 14, 1949. A plea of guilty having been entered, the defendant was fined \$100, together with costs.

15069. Adulteration and misbranding of egg noodles. U. S. v. Melvin Chasin and Saul Chasin (Chasin Noodle Co.). Pleas of guilty. Defendants each fined \$800. (F. D. C. No. 25611. Sample Nos. 8131-K, 8308-K, 10508-K, 10516-K, 10519-K.)

INFORMATION FILED: May 23, 1949, Eastern District of New York, against Melvin Chasin and Saul Chasin, trading as the Chasin Noodle Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about January 14, May 13 and 19, and July 20, 1948, from the State of New York into the States of Connecticut and New Jersey.

LABEL, IN PART: "Chasin's Pure Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg, had been in part omitted from the food.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for egg noodles since the total solids contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: June 22, 1949. Pleas of guilty having been entered, each defendant was fined \$800.

15070. Adulteration of Chinese noodles. U. S. v. 8 Cases * * *. (F. D. C. No. 26868. Sample Nos. 38141-K, 50410-K.)

LIBEL FILED: March 16, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about January 20, 1949, by Northwest Mfg. Co., Inc., from Seattle, Wash.

PRODUCT: Chinese noodles. 3 30-pound cases, 3 25-pound cases, and 2 20-pound cases at Cascade, Idaho.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 3, 1949. Default decree of forfeiture and destruction.

15071. Adulteration and misbranding of Chinese noodles. U. S. v. 2 Cases * * *. (F. D. C. No. 25106. Sample No. 36677-K.)

LIBEL FILED: July 23, 1948, District of Montana.

ALLEGED SHIPMENT: On or about June 10, 1948, by the Tsue Chong Co., from Seattle, Wash.

PRODUCT: 2 cases, each containing 10 5-pound packages, of Chinese noodles at Great Falls, Mont.

LABEL, IN PART: "Real Chinese Made Rose Brand Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and cat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for noodles since the total solids of the product contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: September 22, 1948. Default decree of condemnation and destruction.

CHOCOLATE AND CANDY

15072. Adulteration of chocolate coating. U. S. v. 14 Bags, etc. (F. D. C. No. 27091. Sample Nos. 42881-K, 58700-K.)

LIBEL FILED: May 23, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 18 and June 16, 1948, from Florin, Pa.

PRODUCT: 61 200-pound bags of chocolate coating at Chicago, Ill., in possession of the Kimbell Candy Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent- and insect-eaten chocolate, insect and rodent excreta, rodent hairs, and insect webbing; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1949. The Kimbell Candy Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of removing and denaturing the unfit portion and salvaging the wholesome portion, under the supervision of the Food and Drug Administration. The salvaging operations resulted in the denaturing of 346 pounds and the salvaging of 11,827 pounds.

15073. Adulteration of cocoa beans. U. S. v. 300 Bags * * *. (F. D. C. No. 26417. Sample No. 5705-K.)

LIBEL FILED: January 19, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 16, 1947, from New York, N. Y.

PRODUCT: 300 140-pound bags of cocoa beans at Cambridge, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 28, 1949. The C. A. Briggs Co., Cambridge, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the segregation and the removal of all objectionable material, under the supervision of the Federal Security Agency. The segregation operations were completed on or about June 2, 1949. Of the total of 355 bags which had been seized, 24 bags were segregated as unfit and were destroyed.

15074. Adulteration of candy. U. S. v. Max M. Leon (Whole-Sum Products Co.), and Meyer S. Troop. Pleas of nolo contendere. Max M. Leon fined \$100 on count 1; imposition of sentence on count 2 against this defendant was suspended, and he was placed on probation for 2 years. Meyer S. Troop fined \$25 on each of counts 1 and 2. (F. D. C. No. 26766. Sample Nos. 2773-K, 42703-K.)

INFORMATION FILED: May 26, 1949, Eastern District of Pennsylvania, against Max M. Leon, trading as the Whole-Sum Products Co., at Philadelphia, Pa., and against Meyer S. Troop, superintendent of the company.

ALLEGED SHIPMENT: On or about January 3 and 13, 1949, from the State of Pennsylvania into the State of Michigan and the District of Columbia.

LABEL, IN PART: "Stephen Perry Jell-Eo-Puffs [or "Jell-Eo-Mints"] * * *
Manufactured By Whole-Sum Products Co. Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hair fragments, rodent excreta and rodent excreta fragments, and insects and insect fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 22, 1949. Pleas of nolo contendere having been entered, the court imposed fines on count 1 of \$100 against defendant Leon and \$50 against defendant Troop. Imposition of sentence on count 2 was suspended, and both defendants were placed on probation for 2 years. On September 14, 1949, the sentence against defendant Troop was modified, pursuant to which he was fined \$25 on each of the two counts of the information, and he was released from probation.

15075. Adulteration of candy. U. S. v. 20 Cases * * *. (F. D. C. No. 26566.
Sample No. 42710-K.)

LIBEL FILED: February 25, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 11, 1949, by Zion Industries, Inc., from Zion, Ill.

PRODUCT: 20 cases, each containing 100 bars, of candy at Detroit, Mich.

LABEL, IN PART: "Zion Chocomint * * * Net Wt. 1¼ Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1949. Default decree of condemnation and destruction.

15076. Adulteration of candy. U. S. v. 8 Cases * * *. (F. D. C. No. 27084.
Sample No. 19854-K.)

LIBEL FILED: May 2, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about March 31, 1949, by the DiGiorgio Allegretto Co., from Chicago, Ill.

PRODUCT: 8 cases, each containing 12 cedar chests, of candy at Nashville, Tenn.

LABEL, IN PART: (Chests) "Net Weight 2 Pounds * * * Easter Greetings."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 30, 1949. Default decree of destruction.

15077. Adulteration of candy. U. S. v. 151 Cartons * * *. (F. D. C. No. 27165.
Sample Nos. 1225-K, 1232-K.)

LIBEL FILED: May 13, 1949, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about May 28, 1948, from Jacksonville, Fla.

PRODUCT: 151 22-pound cartons of candy at Charleston, S. C., in possession of Charles R. Allen, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 10, 1949. Default decree of condemnation and destruction.

15078. Misbranding of cream mints. U. S. v. 180 Boxes * * *. (F. D. C. No. 27198. Sample No. 5236-K.)

LIBEL FILED: May 9, 1949, District of Maine.

ALLEGED SHIPMENT: On or about April 21, 1949, by the Gessis Candy Co., from Somersworth, N. H.

PRODUCT: 180 boxes of cream mints at Biddeford, Maine.

LABEL, IN PART: "Ginny's Cream Mints Net Weight 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: September 20, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15079. Misbranding of chocolate filled cigarettes. U. S. v. 2 Boxes, etc. (F. D. C. No. 25980. Sample Nos. 4098-K, 4099-K.)

LIBEL FILED: November 1, 1948, District of Maine.

ALLEGED SHIPMENT: On or about September 17, 1948, by the H & K Candy Co., from New York, N. Y.

PRODUCT: 28 boxes, each containing 24 1¼-ounce packages, of chocolate filled cigarettes at Houlton, Maine.

LABEL, IN PART: (Package) "Fal-Mel [or "Crestfield"] Chocolate Filled Cigarettes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Chocolate Filled" was false and misleading as applied to an article which contained little, if any, chocolate; and, Section 403 (d), the containers of the article were so filled as to be misleading since more and longer candy cigarettes could be placed in each package.

DISPOSITION: June 8, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15080. Adulteration of chocolate cordial cherries. U. S. v. 18 Boxes * * *. (F. D. C. No. 26574. Sample No. 48324-K.)

LIBEL FILED: February 28, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 27, 1949, by the Crown Candy Co., Inc., from Springfield, Mass.

PRODUCT: 18 boxes, each containing 24 1¼-ounce packages, of chocolate cordial cherries at Williamsport, Pa.

LABEL, IN PART: "Elizabeth Ann Chocolate Cordial Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 20, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

15081. Adulteration of butter. U. S. v. 45 Cases * * *. (F. D. C. No. 26678. Sample No. 15568-K.)

LIBEL FILED: November 24, 1948, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 25, 1948, by United Dairies, Inc., from George, Iowa.

PRODUCT: 45 cases, each containing 50 1-pound prints, of butter at Detroit, Mich.

LABEL, IN PART: "United Dairies Salt Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect heads, insect fragments, and rodent hair fragments, and the fact that it was prepared from filthy cream.

DISPOSITION: February 11, 1949. The sole intervener having withdrawn its answer, judgment of condemnation was entered and the court ordered that the product be delivered to a Federal institution, for use as animal feed.

15082. Adulteration of butter. U. S. v. 283 Cartons (18,112 pounds) * * *. (F. D. C. No. 26444. Sample Nos. 11405-K, 11406-K.)

LIBEL FILED: On or about December 3, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about November 1, 1948, by Peter Fox Sons Co., from Chicago, Ill.

PRODUCT: 283 cartons, each containing approximately 64 pounds, of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance. (The product contained whole insects, insect fragments, rodent hair fragments, and manure.)

Further adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 15, 1949. Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into fat for soap manufacturing purposes, under the supervision of the Food and Drug Administration.

15083. Adulteration of butter. U. S. v. 11 Boxes (704 pounds) * * *. (F. D. C. No. 27653. Sample No. 44814-K.)

LIBEL FILED: April 21, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 12, 1949, by H. C. Christians, from Elba, Minn.

PRODUCT: 11 64-pound boxes of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 2, 1949. H. C. Christians Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and

the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

MISCELLANEOUS DAIRY PRODUCTS

15084. Adulteration of ice cream. U. S. v. Texas Dairy & Produce Co. Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 25310. Sample Nos. 28992-K, 28993-K, 29443-K.)

INFORMATION FILED: November 8, 1948, Northern District of Texas, against the Texas Dairy & Produce Co., a corporation, Childress, Texas.

ALLEGED SHIPMENT: On or about June 1 and 19, 1948, from the State of Texas into the State of Oklahoma.

LABEL, IN PART: "Gate City Super Creamed Ice Cream."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of an insect leg fragment, an insect body part, insect fragments, feather barbules, rodent hair, a moth scale, and fibers resembling carton fibers; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1949. A plea of nolo contendere having been entered, a fine of \$1,500 was imposed.

15085. Adulteration of Swiss cheese. U. S. v. 5 Wheels * * *. (F. D. C. No. 24650. Sample No. 6905-K.)

LIBEL FILED: May 25, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 1, 1948, by the Alpine Cheese Co., from Wilnot, Ohio.

PRODUCT: 5 wheels of Swiss cheese weighing a total of approximately 960 pounds at McKeesport, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites, rodent hair fragments, and rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 8, 1949. Default decree of condemnation and destruction.

FISH AND SHELLFISH

15086. Adulteration of frozen perch fillets. U. S. v. 135 Packages * * *. (F. D. C. No. 26464. Sample No. 48292-K.)

LIBEL FILED: February 7, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 11, 1949, by the Booth Fisheries Corp., from Boston, Mass.

PRODUCT: 135 1-pound packages of frozen perch fillets at Trenton, N. J.

LABEL, IN PART: "Famous Booth Foods Quick Frozen Tastyloins Ocean Perch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: October 24, 1949. Default decree of condemnation and destruction.

15087. Action to enjoin and restrain the interstate shipment of crab meat. U. S. v. Garland F. Fulcher (Garland F. Fulcher Seafood Co.). Temporary injunction granted. (Inj. No. 197.)

COMPLAINT FILED: July 22, 1948, Eastern District of North Carolina, against Garland F. Fulcher, trading as the Garland F. Fulcher Seafood Co., at Oriental, N. C.

NATURE OF CHARGE: The defendant, Garland F. Fulcher, had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce at Oriental, N. C., crab meat which was adulterated in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy substance by reason of the presence of *Escherichia coli*, and in violation of Section 402 (a) (4), in that it had been prepared and packed under insanitary conditions at the defendant's Oriental plant, whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendant's plant resulted from the presence of rodents, flies, and decomposed crab scraps in and around places in the plant where the crab meat was prepared and packed, and in and around the equipment and raw materials used; and that the insanitary conditions resulted also from general carelessness on the part of the defendant in correcting the insanitary practices of the defendant's employees.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: July 29, 1948. The defendant having failed to make an appearance after a Notice to Show Cause had been served upon him, and the court having made findings of fact in accordance with the allegations of the complaint, judgment was entered enjoining the defendant during the pendency of the action from introducing or delivering, or causing the introduction or delivery for introduction into interstate commerce, of crab meat which was adulterated within the meaning of Sections 402 (a) (3) and (4). Thereafter, the defendant discontinued his operations, and, accordingly, no further action was taken in the case.

15088. Adulteration and misbranding of frozen shrimp. U. S. v. 119 Cases * * *. (F. D. C. Nos. 26365 to 26367, incl. Sample Nos. 29373-K to 29375-K, incl., 29377-K.)

LIBEL FILED: January 5, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about December 11, 1948, by Mercado Sea Foods, Inc., from Nogales, Ariz.

PRODUCT: 119 cases, each containing 10 5-pound cartons, of frozen shrimp at Denver, Colo.

LABEL, IN PART: (Cartons) "5 Lbs. Net Wt. Fresh Frozen Shrimp Packed by Nogales Freezing & Storage Co. Nogales Arizona, Products of Mexico," "5 Lbs. Net Weight Fresh Frozen Shrimp," or "5 Lb. Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed shrimp.)

Misbranding, Section 403 (e) (1), (19 cases) the product was in package form and failed to bear a label containing the name and place of business of

the manufacturer, packer, or distributor; and, Section 403 (i) (1), (15 cases) the label failed to bear the common or usual name of the food.

DISPOSITION: April 13, 1949. Luis S. Mercado, Phoenix, Ariz., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be reprocessed, under the supervision of the Food and Drug Administration. The entire lot was reprocessed into fish bait.

VEGETABLES

15089. Adulteration of mung beans. U. S. v. 220 Bags * * *. (F. D. C. No. 25178. Sample No. 31802-K.)

LIBEL FILED: July 19, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about October 18, 1947, from Enid, Okla.

PRODUCT: 220 100-pound bags of mung beans at Los Angeles, Calif., in the possession of the American Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1948. The Kwong Dack Wo Co., Los Angeles, Calif., having consented to the entry of a decree, judgment of condemnation was entered ordering the product released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was moved to a new location, and the bags of beans were brushed and cleaned.

15090. Adulteration of yellow-eye beans. U. S. v. 13 Bags * * *. (F. D. C. No. 26593. Sample No. 5599-K.)

LIBEL FILED: February 14, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 10, 1948, by W. J. Pfeil, Inc., from Alden, N. Y.

PRODUCT: 13 100-pound bags of yellow-eye beans at Boston, Mass.

LABEL, IN PART: "Colonial Brand Yellow Eye Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt.

DISPOSITION: May 16, 1949. W. J. Pfeil, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be reconditioned under the supervision of the Federal Security Agency by cleaning, sorting, and the picking out of all dirty and objectionable material, so as to bring the product into compliance with the law. The reconditioning operations resulted in the segregation and denaturing of 210 pounds of beans which were unfit.

15091. Adulteration of canned corn. U. S. v. Lakeside Packing Co. Plea of guilty. Fine, \$300. (F. D. C. No. 26784. Sample No. 53141-K.)

INFORMATION FILED: May 6, 1949, District of Minnesota, against the Lakeside Packing Co., a corporation, Plainview, Minn.

ALLEGED SHIPMENT: On or about November 2, 1948, from the State of Minnesota into the State of Texas.

LABEL, IN PART: "Country Home Golden Sweet Corn Cream Style * * *
Distributed by Table Products Company, Oakland, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of corn borers, corn borer fragments, and insect fragments.

DISPOSITION: September 1, 1949. A plea of guilty having been entered, the defendant was fined \$300.

15092. Adulteration of canned corn. U. S. v. 489 Cases * * *. (F. D. C. No. 26617. Sample No. 8548-K.)

LIBEL FILED: February 23, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about October 15, 1948, by Stokely-Van Camp, Inc., from West Jefferson, Ohio.

PRODUCT: 489 cases, each containing 24 1-pound, 1-ounce cans, of corn at Asbury Park, N. J.

LABEL, IN PART: (Can) "Stokely's Finest Cream Style Golden Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of corn-ear worms, vinegar flies, corn-ear worm fragments, and fly fragments.

DISPOSITION: September 14, 1949. Default decree of condemnation and destruction.

15093. Adulteration of canned corn. U. S. v. 167 Cases * * *. (F. D. C. No. 26475. Sample No. 46411-K.)

LIBEL FILED: January 27, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 14 and 26, 1948, by the Rossville Packing Co., from Rossville, Ill.

PRODUCT: 167 cases, each containing 24 1-pound, 4-ounce cans, of corn at St. Louis, Mo.

LABEL, IN PART: (Can) "Elco Selected Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 5, 1949. The Rossville Packing Co., claimant, having consented to the entry of a decree against the portion of the product which was coded "Code RO-9-23," judgment of condemnation and destruction was entered with respect to this portion; the remainder of the product was ordered released to the claimant. In accordance with the decree, 45 cases and 2 cans of the product were destroyed.

15094. Adulteration of canned corn. U. S. v. 104 Cases * * *. (F. D. C. No. 26536. Sample No. 40689-K.)

LIBEL FILED: February 15, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about December 4, 1948, from Evansville, Wis.

PRODUCT: 104 cases, each containing 48 11-ounce cans, of corn at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worm fragments. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 12, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15095. Adulteration of canned potatoes. U. S. v. 700 Cases * * *. (F. D. C. No. 21876. Sample No. 72665-H.)

LIBEL FILED: December 20, 1946, District of Utah.

ALLEGED SHIPMENT: On or about October 20, 1946, by Hunt Foods, Inc., from Fullerton, Calif.

PRODUCT: 700 cases, each containing 12 1-pound, 12-ounce jars, of potatoes at Salt Lake City, Utah.

LABEL, IN PART: (Jars) "Hunt's Whole New Potatoes, Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 21, 1947. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 15 cases were found unfit and were destroyed.

TOMATOES AND TOMATO PRODUCTS *

15096. Adulteration of canned tomatoes. U. S. v. Louis H. Herndon (Humboldt Canning Co.). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 26334. Sample Nos. 23621-K, 23624-K.)

INFORMATION FILED: June 9, 1949, Western District of Tennessee, against Louis H. Herndon, trading as the Humboldt Canning Co., Humboldt, Tenn.

ALLEGED SHIPMENT: On or about August 24, 1948, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Dyer Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fly maggots and fly eggs, and it consisted in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 8, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

15097. Adulteration of canned tomatoes. U. S. v. Orestes Canning Co., Inc. Plea of guilty. Fine, \$1,000. (F. D. C. No. 27495. Sample Nos. 15571-K, 25744-K, 43158-K.)

INFORMATION FILED: August 10, 1949, Southern District of Indiana, against the Orestes Canning Co., Inc., Elwood and Orestes, Ind.

ALLEGED SHIPMENT: Between the approximate dates of September 21 and October 20, 1948, from the State of Indiana into the States of Michigan, Minnesota, and Illinois.

LABEL, IN PART: "Indiana Chief Brand Tomatoes" or "Goldblatt's Bond * * * Red Ripe Tomatoes Packed for Goldblatt Bros., Chicago, Ill."

*See also Nos. 15054-15058.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$1,000.

15098. Misbranding of tomato puree. U. S. v. Orestes Canning Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 26318. Sample Nos. 26378-K, 27179-K.)

INFORMATION FILED: February 3, 1949, Southern District of Indiana, against the Orestes Canning Co., Inc., Elwood, Ind.

ALLEGED SHIPMENT: On or about January 21 and March 2, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Indiana Chief Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article purported to be and was represented as tomato puree, and it failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: September 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

15099. Supplement to notice of judgment on foods, No. 13678. U. S. v. 382 Cans * * *. (F. D. C. No. 24626. Sample Nos. 6445-K, 6838-K.)

On September 22, 1948, judgment of condemnation was entered against 382 cases of tomato puree, which was misbranded in that the cans of the product contained less than the declared amount. The product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

On May 9, 1949, all but 66 cases of the product having been relabeled, an amended decree was entered authorizing the claimant to sell or otherwise dispose of the 66 cases of tomato puree for the purpose of making it into spaghetti sauce without relabeling the individual cans. Thereafter, the claimant found that it was unable to arrange for such disposition of the 66 cases; and, accordingly, with the consent of the claimant, a further amended decree was entered on September 9, 1949, providing for the delivery of the 66 cases to a charitable institution.

15100. Adulteration and misbranding of pizza sauce (tomato product). U. S. v. Carmine Marcucci (Atlantic Canning Co.). Plea of guilty. Fine, \$250. Defendant placed on probation for 3 years. (F. D. C. No. 26797. Sample Nos. 10104-K, 10105-K.)

INFORMATION FILED: June 3, 1949, District of New Jersey, against Carmine Marcucci, trading as the Atlantic Canning Co., Mays Landing, N. J.

ALLEGED SHIPMENT: On or about September 30 and October 4, 1948, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Marco Brand Italian Style Peeled Tomatoes Pizza Sauce 6 Lbs. 8 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly

✓ eggs, and of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled weight of 6 pounds, 8 ounces.

DISPOSITION: July 22, 1949. A plea of guilty having been entered, the defendant was fined \$250 on count 1. Imposition of sentence was suspended on counts 2, 3, and 4, and the defendant was placed on probation for a three-year period, conditioned that he comply with all requirements and recommendations of the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15051 TO 15100

PRODUCTS

	N. J. No.		N. J. No.
Apple juice and apple cider	¹ 15052	Flour	15064-15066
Bakery products	² 15060-15063	enriched	15065, 15066
Beans, cocoa	15073	Fruit products	¹ 15052, 15053
mung	15089	Ice cream	15084
yellow-eye	15090	cones	15063
Beer	15051	Macaroni and noodle products	
Beverages and beverage mate-			15067-15071
rials	¹ 15051-15059	Mung beans	15089
Blueberry pies	15062	Noodles. <i>See</i> Macaroni and	
Bread	² 15060, 15061	noodle products.	
Butter	15081-15083	Perch fillets, frozen	15086
Candy	15074-15080	Pies, blueberry	15062
Cereals and cereal products		Pineapple juice, canned	15053
	² 15060-15071	Pizza sauce (tomato product)	15100
Cheese, Swiss	15085	Potatoes, canned	15095
Cherries, chocolate-coated	15080	Rolls	² 15060
Chocolate and candy	15072-15080	Sea Shells (macaroni)	15067
Cider, apple	¹ 15052	Shellfish. <i>See</i> Fish and shellfish.	
Cocoa beans	15073	Shrimp, frozen	15088
Coffee	15059	Swiss cheese	15085
Cones, ice cream	15063	Tomato(es), canned	15096, 15097
Corn, canned	15091-15094	juice	15054-15058
Crab meat	³ 15087	puree	15098, 15099
Dairy products	15081-15085	Vegetables	15089-15095
Enriched flour	15065, 15066	Vinegar and fermented vinegar	
Fish and shellfish	³ 15086-15088	stock	¹ 15052
		Yellow-eye beans	15090

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen, Charles R., Inc.:		Alpine Cheese Co.:	
candy	15077	Swiss cheese	15085
Allied Baking Co.:		American Warehouse Co.:	
bread	15061	mung beans	15089

¹ (15052) Permanent injunction issued.

² (15060) Prosecution contested.

³ (15087) Temporary injunction issued.

	N. J. No.		N. J. No.
Atlantic Canning Co. <i>See</i> Marcucci, Carmine.		King Cole Breweries, Inc.:	
Booth Fisheries Corp.:		beer -----	15051
frozen perch fillets -----	15086	Lakeside Packing Co.:	
Border Packing Corp.:		canned corn -----	15091
tomato juice -----	15058	Lanesville Milling Co.:	
Chasin, Melvin, and Saul:		enriched flour -----	15065
egg noodles -----	15069	Leisure Packing Co.:	
Chasin Noodle Co. <i>See</i> Chasin, Melvin, and Saul.		tomato juice -----	15055
Christians, H. C.:		Leon, M. M.:	
butter -----	15083	candy -----	15074
Compania Industrial Agricola, Inc.:		Marcucci, Carmine:	
canned pineapple juice -----	15053	pizza sauce (tomato product) -	15100
Crown Candy Co., Inc.:		Mercado Sea Foods, Inc.:	
chocolate cordial cherries ----	15080	frozen shrimp -----	15088
DiGiorgio Allegretto Co.:		Merlino, Joseph:	
candy -----	15076	macaroni (Sea Shells) -----	15067
Flour Mills of America, Inc.:		Morgan Packing Co.:	
enriched flour -----	15066	tomato juice -----	15056, 15057
Fox, Peter, Sons Co.:		Nogales Freezing & Storage Co.:	
butter -----	15082	frozen shrimp -----	15088
Fulcher, G. F.:		Northwest Mfg. Co., Inc.:	
crab meat ----- ³	15087	Chinese noodles -----	15070
Fulcher, Garland F., Seafood Co. <i>See</i> Fulcher, G. F.		Orestes Canning Co., Inc.:	
Gee, Frank:		tomato(es), canned -----	15097
noodles -----	15068	puree -----	15098
Gervas Canning Co., Inc.:		Pacific Coast Macaroni Mfg. Co., Inc.:	
tomato juice -----	15054	macaroni (Sea Shells) -----	15067
Gessis Candy Co.:		Pfeil, W. J., Inc.:	
cream mints -----	15078	yellow-eye beans -----	15090
Goldblatt Bros.:		Rossville Packing Co.:	
canned tomatoes -----	15097	canned corn -----	15093
H & K Candy Co.:		Silver, M. I.:	
chocolate filled cigarettes ----	15079	bread -----	15061
Herndon, L. H.:		Smith's, Mrs., Pie Co., Inc.:	
canned tomatoes -----	15096	blueberry pies -----	15062
Honor Co., Inc.:		Speas Co.:	
tomato juice -----	15058	apple juice, apple cider, fermented vinegar stock, and vinegar ----- ¹	15052
Humboldt Canning Co. <i>See</i> Herndon, L. H.		Stokley-Van Camp, Inc.:	
Hunt Foods, Inc.:		canned corn -----	15092
canned potatoes -----	15095	Table Products Co.:	
J & M Trading Co.:		canned corn -----	15091
flour -----	15064	Texas Dairy & Produce Co.:	
Kimbell Candy Co.:		ice cream -----	15084
chocolate coating -----	15072	Troop, M. S.:	
		candy -----	15074
		Tsue Chong Co.:	
		Chinese noodles -----	15071

¹ (15052) Permanent injunction issued.³ (15087) Temporary injunction issued.

	N. J. No.		N. J. No.
Turnbull Cone Baking Co.:		Wilson, F. M., Jr.:	
ice cream cones-----	15063	bread and rolls-----	² 15060
United Dairies, Inc.:		Wilson Wholesale Bakery. <i>See</i>	
butter -----	15081	Wilson, F. M., Jr.	
Valier & Spies Milling Co. <i>See</i>		World-Noodle Co. <i>See</i> Gee,	
Flour Mills of America, Inc.		Frank.	
Whole-Sum Products Co. <i>See</i>		Zion Industries, Inc.:	
Leon, M. M.		Candy -----	15075

² (15060) Prosecution contested.

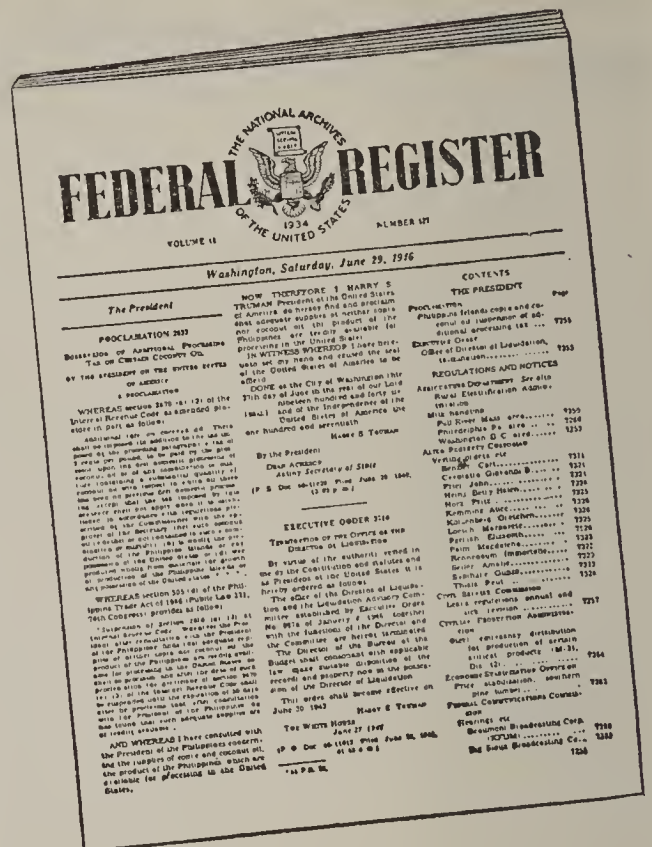
A New Service by the

FEDERAL REGISTER

The scope of the FEDERAL REGISTER has been expanded by the "Administrative Procedure Act" (Public Law 404—79th Congress, approved June 11, 1946) specifically requiring publication of:

1. Agency organization and procedure,
 2. Substantive rules and statements of general policy or interpretations,
 3. Notice of proposed rule making,
- and further providing that no person shall in any manner be required to resort to organization or procedure not so published.

A sample copy and information on request to the Federal Register, National Archives, Washington 25, D. C.



The FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive Orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect.

A partial list of subjects covered includes:

Agriculture
Aviation
Business Credit
Communications
Contracts:
 Procurement
 Renegotiation
 Termination

Customs
Fair Trade Practice
Food and Drugs
Foreign Relations
Housing
Labor Relations
Mineral Resources
Price Control

Priorities
Reconversion
Securities
Shipping
Surplus Property
Taxation
Transportation
Wages and Hours

\$1.50 A MONTH • \$15 A YEAR

Order today from the
Superintendent of Documents, U. S. Government Printing Office,
Washington 25, D. C.

RESERVE
1
F732Nf

Missing 15101-15150

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15151-15200

FOODS

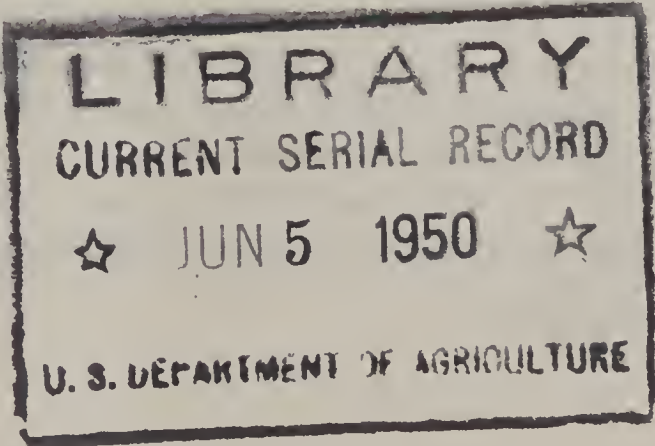
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, Commissioner of Food and Drugs.

WASHINGTON, D. C., *March 28, 1950*

CONTENTS

	Page		Page
Beverages and beverage materials	680	Fish and shellfish	693
Candy and sugar	682	Fruits and vegetables	696
Cereals and cereal products	686	Canned fruit	696
Bakery products	686	Miscellaneous fruit products	697
Flour	688	Canned vegetables	698
Macaroni and noodle products	690	Tomatoes and tomato products	700
Dairy products	690	Vitamin, mineral, and other prod-	
Butter	690	ucts of special dietary signifi-	
Miscellaneous dairy products	692	cance	702



BEVERAGES AND BEVERAGE MATERIALS*

15151. Adulteration of grapefruit beverage base. U. S. v. 19 Cases * * *.
(F. D. C. No. 20014. Sample No. 59251-H.)

LIBEL FILED: May 23, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about March 27, 1945, by C. O. and W. D. Sethness, from Chicago, Ill.

PRODUCT: 19 cases, each containing 4 1-gallon jugs, of grapefruit beverage base at Portland, Oreg. Analysis showed that the product contained approximately 383 milligrams of monochloroacetic acid per 100 cc.

LABEL, IN PART: "Derby Grapefruit Beverage Base Contains Grapefruit Juice and Pulp, Citric Acid, Water, Sugar, Grapefruit Oil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: August 21, 1946. Default decree of condemnation and destruction.

15152. Adulteration of canned orange juice. U. S. v. 1,300 cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23739, 23767, 24022. Sample Nos. 93403-H, 6601-K, 36303-K.)

LIBELS FILED: September 11 and 24 and December 16, 1947, District of Wyoming, Western District of Washington, and Western District of New York.

ALLEGED SHIPMENT: On or about August 4 and 20, 1947, by the Caltone Corp., from Anaheim, Calif.

PRODUCT: 3,789 cases, each containing 12 1-quart, 14-ounce cans, of orange juice at Casper, Wyo., Seattle, Wash., and Olean, N. Y. Examination showed that the product in the Olean, N. Y., lot was decomposed and that the product in the other lots was undergoing active fermentation.

LABEL, IN PART: "Our Family Unsweetened Orange Juice," "Shurfine California Orange Juice Unsweetened," and "Shurfine California Orange Juice Unsweetened National Retailer-Owned Grocers, Inc., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: Following seizure on September 24, 1947, of a total of 1,174 cases of the product in the Wyoming lot, the Caltone Corp., claimant, posted bond under which it was permitted to segregate the unfit portion of the product under the supervision of the Food and Drug Administration. The segregation operations resulted in the destruction of 334 cases. On August 20, 1948, the claimant having consented to the entry of a decree, judgment of condemnation was entered. In addition, it was adjudged that the claimant had conformed to the requirements of the representatives of the Food and Drug Administration; that the unfit portion of the product had been destroyed; and that the remaining portion had been disposed of as required by law; and accordingly, it was ordered that the bond be exonerated.

On October 1, 1947, the Caltone Corp., claimant for the Seattle lot, having consented to the entry of a decree, judgment of condemnation was entered and

*See also No. 15188.

the court ordered that this lot be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. A total of 375 cases of the 1,490 cases of the product under seizure were segregated as unfit and were destroyed.

No claimant having appeared for the Olean, N. Y., lot of the product, judgment of condemnation was entered on January 12, 1948, and the court ordered that this lot be destroyed.

15153. Adulteration of canned pineapple juice. U. S. v. 299 Cases * * *.
(F. D. C. No. 27307. Sample No. 1241-K.)

LIBEL FILED: June 9, 1949, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about April 1, 1949, by Manati Packing Co., Inc., from Manati, P. R.

PRODUCT: 299 cases, each containing 6 3-quart cans, of pineapple juice at Charleston, S. C.

LABEL, IN PART: "Dew Dipt Unsweetened Pineapple Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pineapple material.

DISPOSITION: August 15, 1949. Default decree of condemnation and destruction.

15154. Adulteration of tomato juice. U. S. v. Garden State Canning Co., a corporation, and Norman W. Frazer and Harold R. Gray. Corporation and Norman W. Frazer each fined \$1,000; sentence suspended against Harold R. Gray. All defendants placed on 5 years' probation. (F. D. C. No. 24820. Sample Nos. 9366-K, 13042-K, 13044-K.)

INFORMATION FILED: July 7, 1948, District of New Jersey, against the Garden State Canning Co., Hightstown, N. J., Norman W. Frazer, president, and Harold R. Gray, secretary-treasurer.

ALLEGED SHIPMENT: Between the approximate dates of October 23, 1947, and January 22, 1948, from the State of New Jersey into the States of New York and Pennsylvania.

LABEL, IN PART: "Kontos Brand Tomato Juice * * * Kontos Bros. Inc. Distributors New York, N. Y." or "Norris Tomato Juice * * * Distributed By Schuylkill Valley Grocery Co., Inc. Bridgeport, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 18, 1948. Pleas of guilty having been entered, the corporation and Norman W. Frazer were each fined \$1,000; sentence was suspended against Harold R. Gray; and all of the defendants were placed on 5 years' probation. The court further ordered that during the period of the probation, the defendants have nothing to do either directly or indirectly with any tomato product except whole tomatoes; that the 3,000 cases of tomato juice stored at the cannery be examined by the Department of Agriculture; and that the unfit portion be destroyed under the supervision of the Food and Drug Administration.

In addition, the court ordered the corporate defendant and Norman W. Frazer each to pay \$500 for violation of the terms of probation imposed on

July 14, 1947, the time of a previous criminal conviction against the defendants. See notices of judgment on foods, No. 12604.

15155. Adulteration of tomato juice. U. S. v. 34 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 26822, 26838, 26839. Sample Nos. 46119-K, 49233-K, 53149-K.)

LIBELS FILED: March 17, 18, and 22, 1949, Northern District of Texas and Western District of Missouri.

ALLEGED SHIPMENT: On or about October 2 and 18, November 6, and December 1, 1948 by the Vincennes Packing Corp., Vincennes and Seymour, Ind.

PRODUCT: Tomato juice. 34 cases, each containing 48 13½-ounce cans, at Fort Worth, Tex.; 130 cases, each containing 12 1-quart, 14-fluid ounce cans, at Lubbock, Tex.; and 139 cases, each containing 12 1-quart, 14-fluid ounce cans, at Joplin, Mo.

LABEL, IN PART: "White Swan * * * Tomato Juice" or "Shurfine Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 9 and 11 and June 2, 1949. The Vincennes Packing Corp. having appeared as claimant, judgments of condemnation were entered and the court ordered that the product be released under bond to be segregated, reconditioned, destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 139 cases seized at Joplin, 63 cases were destroyed and the remainder were released. Salvage of the 25 cases seized at Fort Worth and the 55 cases seized at Lubbock was unsuccessful, and both lots were destroyed.

15156. Adulteration of coffee sweeps. U. S. v 6,000 Pounds * * * (and 1 other seizure action). (F. D. C. Nos. 27189, 27191. Sample Nos. 10181-K, 11603-K.)

LIBELS FILED: May 9, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 9, March 14, and April 2, 1949, from Brazil.

PRODUCT: Approximately 7,500 pounds of coffee sweeps at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of manure, wood splinters, oil, dirt, and other foreign material; and, Section 402 (a) (4) it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1949. Default decree of condemnation and destruction.

CANDY AND SUGAR

15157. Adulteration of candy. U. S. v. Fisher Nut & Chocolate Co., Inc., Sam S. Fisher, and Elmer C. Muggenburg. Plea of guilty by corporation; fine, \$1,500. Pleas of nolo contendere by individual defendants; Sam S. Fisher fined \$450, and Elmer C. Muggenburg fined \$50. (F. D. C. No. 24514. Sample Nos. 14907-K, 15514-K, 16815-K, 16820-K, 18015-K, 25036-K.)

INFORMATION FILED: April 8, 1948, District of Minnesota, against Fisher Nut & Chocolate Co., Inc., St. Paul, Minn., Sam S. Fisher, president, and Elmer C. Muggenburg, vice president.

ALLEGED SHIPMENT: On or about October 11, 14, 21, and 24, 1947, from the State of Minnesota into the States of Wisconsin, Michigan, Indiana, and South Dakota.

LABEL, IN PART: (Wrapper) "Fisher's Nutty Nougat [or "Salted Peanut Roll" or "Kingfisher"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: On May 24, 1948, a plea of guilty having been entered on behalf of the corporation, it was fined \$1,500. On April 8, 1949, pleas of nolo contendere having been entered by the individual defendants, Sam S. Fisher was fined \$450 and Elmer C. Muggenburg was fined \$50.

15158. Adulteration of Nut Krunch, meringue, and Kream Fill. U. S. v. Herbert Kane (Brokay Products). Plea of nolo contendere. Fine of \$500 and jail sentence of 6 months; jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 26785. Sample Nos. 966-K, 967-K, 3732-K, 3872-K, 23641-K, 40304-K.)

INFORMATION FILED: June 2, 1949, Eastern District of Pennsylvania, against Herbert Kane, trading as Brokay Products, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about May 26, September 1, 10, and 20, and October 5, 1948, from the State of Pennsylvania into the States of Georgia, Virginia, Alabama, and Maryland.

LABEL, IN PART: "Brokay '90' Nut Krunch (Almond Flavored) Cont: Nuts, Corn Syrup, Maple Syrup, Pure and Imitation Flavor," "Brokay Nut Meat Krunch All Purpose Nuts Ingredients: Roasted Granulated Nuts, Cane Sugar, Maple Sugar, Whole Milk Solids & Flavor" or "Milk-White Meringue For Pies, Tarts and Lady-Locks," and "Kreamy-Kay Kream Fill For Cream Puffs, Eclairs, Boston Cream Cake, Pastry Fillings & Doughnuts."

NATURE OF CHARGE: Nut Krunch. Adulteration, Section 402 (b) (2), a product consisting in part of soybeans had been substituted for Nut Krunch of the composition declared on the label. Misbranding, Section 403 (a), the label statements, "Nut Krunch (Almond Flavored) Cont: Nuts, Corn Syrup, Maple Syrup, Pure and Imitation Flavor" or "Nut Meat Krunch All Purpose Nuts Ingredients: Roasted Granulated Nuts, Cane Sugar, Maple Sugar, Whole Milk Solids & Flavor," were false and misleading since the product consisted in part of soybeans; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since the label failed to declare the presence of soybeans.

Meringue and Kream Fill. Adulteration, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Kream Fill. Misbranding, Section 403 (k), the product contained artificial coloring and did not bear labeling stating that fact.

DISPOSITION: August 31, 1949. A plea of nolo contendere having been entered, the defendant was fined \$500 and sentenced to 6 months in jail. The jail sentence was suspended, and the defendant was placed on probation for 1 year.

15159. Adulteration of candy. U. S. v. 66 Cartons, etc. (F. D. C. No. 26935. Sample Nos. 10848-K to 10851-K, incl.)

LIBEL FILED: March 18, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 9 and 28, 1949, by the Riggi Candy Co., from Chicago, Ill.

PRODUCT: 66 35-pound cartons of jelly bird eggs; 172 cartons, each containing 12 1-pound bags, of marshmallow eggs; 1,500 cartons, each containing 12 1-pound bags, of bird eggs; and 180 cartons, each containing 30 packages, and each package containing 12 chocolate marshmallow Easter eggs, at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 3, 1949. The sole intervener having withdrawn its claim, judgment of condemnation and destruction was entered.

15160. Adulteration of candy. U. S. v. 33 Chests * * *. (F. D. C. No. 27085. Sample No. 51727-K.)

LIBEL FILED: May 2, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1949, by the DiGiorgio Allegretto Co., from Chicago, Ill.

PRODUCT: 33 cedar chests, each containing 2 pounds, of candy at Cincinnati, Ohio.

LABEL, IN PART: "DiGiorgio Allegretto * * * For Mother."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

15161. Misbranding of candy. U. S. v. 37 Cartons * * *. (F. D. C. No. 27181. Sample No. 15288-K.)

LIBEL FILED: May 19, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 5, 1949, by Holiday Sweets, Inc., Columbus, Ohio.

PRODUCT: 37 cartons, each containing 45 packages, of candy at Chicago, Ill.

Examination showed the article consisted of artificially colored and flavored candy animals, packaged in a container the shape of a circus wagon. The candy was in a cellophane bag, which was folded in such a manner that the candy occupied only about 50 percent of the volume of the container, and the bags contained less than the declared weight of 4 ounces.

LABEL, IN PART: (Package) "Mrs. Steven's Jungle Jollies 4 Oz. or More Ingredients Sugar, Corn Syrup, Pure Fruit Coloring, Pure Fruit Flavoring 611 Sacramento Blvd., Chicago, Ill."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Pure Fruit Coloring" and "Pure Fruit Flavoring" were false and misleading since the product contained artificial color and flavor; Section 403 (d), the container was so made, formed, and filled as to be misleading since it was too large for the amount of candy contained therein; Section 403 (e) (1), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, since the label bore only an address and failed to reveal that it was the address of the distributor; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since the product contained more than sugar, corn sirup, flavor, and color; and, Section 403 (k), the product bore artificial flavoring and coloring and failed to bear labeling stating that fact.

DISPOSITION: July 25, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15162. Adulteration of sugar. U. S. v. 685 Bags * * *. (F. D. C. No. 25511. Sample No. 31266-K.)

LIBEL FILED: August 30, 1948, District of Arizona.

ALLEGED SHIPMENT: On or about May 27, 1948, from Oxnard, Calif.

PRODUCT: 685 100-pound bags of sugar at Phoenix, Ariz., in possession of Sloan's Transfer & Storage Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 29, 1949. The American Crystal Sugar Co., Oxnard, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Accordingly, the product was satisfactorily refined.

15163. Adulteration of sugar. U. S. v. 619 Bags * * *. (F. D. C. No. 27086. Sample No. 40794-K.)

LIBEL FILED: May 3, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about June 24, 1947, from San Francisco, Calif.

PRODUCT: 619 bags, each containing 20 5-pound sacks, of sugar at Seattle, Wash., in possession of the Utley Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent urine; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 26, 1949. The Spreckels Sugar Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemna-

tion was entered and the court ordered that the product be released under bond to be reprocessed, under the supervision of the Food and Drug Administration. The entire lot was re-refined.

15164. Adulteration of sugar. U. S. v 66 Bags * * *. (F. D. C. No. 27550. Sample No. 1471-K.)

LIBEL FILED: On or about July 7, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about May 27, 1949, from Baltimore, Md.

PRODUCT: 66 100-pound bags of sugar at Elkin, N. C., in possession of Cash & Carry Stores, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 28, 1949. Cash & Carry Stores, Inc., claimant, having consented to the entry of a decree, the court entered a judgment of condemnation, ordering the product released under bond for reprocessing in a sugar refinery, under the supervision of the Food and Drug Administration.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15165. Adulteration of bakery products. U. S. v. Andrew M. Hughes (Butter Nut Baking Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 25309. Sample Nos. 21717-K, 21719-K, 21723-K, 21724-K, 21728-K, 21733-K.)

INFORMATION FILED: September 30, 1948, Eastern District of Oklahoma, against Andrew M. Hughes, trading as the Butter Nut Baking Co., Hugo, Okla.

ALLEGED SHIPMENT: On or about May 24, 25, and 26, 1948, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Enriched Pullman Butter Nut Bread," "Wortham's Wheat Bread," "Jelly Roll," "Cake," or "Cinnamon or Fruit Roll."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 23, 1949. A plea of nolo contendere having been entered, the defendant was fined \$300.

15166. Adulteration of bread and rolls. U. S. v. Gold Medal Baking Co., Inc., and Leonard B. Lipkin. Pleas of nolo contendere. Corporation fined \$1,000; individual defendant fined \$400. (F. D. C. No. 26740. Sample Nos. 13074-K to 13076-K, incl.)

INFORMATION FILED: October 11, 1949, Eastern District of Pennsylvania, against Gold Medal Baking Co., Inc., Philadelphia, Pa., and Leonard B. Lipkin, vice president.

ALLEGED VIOLATION: The defendants were charged with giving a false guaranty on or about October 7, 1944, to The Great Atlantic & Pacific Tea Company of

Philadelphia, Pa. The guaranty provided that foods shipped or delivered by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about May 6, 1949, the defendant sold and delivered under the guaranty a number of loaves of bread and a number of rolls, which were adulterated; and subsequently The Great Atlantic & Pacific Tea Company shipped the bread and rolls, so delivered and guaranteed by the defendant, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Gold Medal Baking Company."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 16, 1949. Pleas of nolo contendere having been entered, the corporation was fined \$1,000 and the individual defendant was fined \$400.

15167. Adulteration of cookies. U. S. v. Carr Consolidated Biscuit Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 26315. Sample Nos. 19745-K, 19929-K, 19939-K, 40221-K, 40222-K.)

INFORMATION FILED: January 24, 1949, Middle District of Pennsylvania, against the Carr Consolidated Biscuit Co., a corporation, Wilkes-Barre, Pa.

ALLEGED SHIPMENT: On or about June 22 and 24, and July 12, 14, and 26, 1948, from the State of Pennsylvania into the States of Ohio and Maryland.

LABEL, IN PART: "Carr Orchid Selection," "Iced Nuggets," and "Oatmeal Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 10, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

15168. Adulteration of fruit cake. U. S. v. 38 Cases * * *. (F. D. C. No. 27324. Sample No. 56140-K.)

LIBEL FILED: June 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 3, 1947, from Waco, Tex.

PRODUCT: 38 cases, each containing 24 1-pound cans, of fruit cake at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of its insect infestation, and of a decomposed substance by reason of its rancidity. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 22, 1949. Default decree of condemnation and destruction.

FLOUR

Nos. 15169 to 15174 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15169. Adulteration of self-rising flour. U. S. v. Swoope Milling Company, Inc., and William I. Mays. Pleas of guilty. Fine of \$150 against company and \$60 against individual. (F. D. C. No. 26763. Sample Nos. 3765-K to 3767-K, incl.)

INFORMATION FILED: May 3, 1949, Western District of Virginia, against Swoope Milling Co., Inc., and William I. Mays, manager of the corporation's plant at Swoope, Va.

ALLEGED SHIPMENT: On or about November 30 and December 23, 1948, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Famous Rose * * * Self-Rising Flour" or "Victory Self Rising Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larval head capsules, insect fragments, mites, rodent hair fragments, and feather fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 24, 1949. Pleas of guilty having been entered, the court imposed a fine of \$150 against the corporation and a fine of \$60 against the individual.

15170. Adulteration of phosphated flour and self-rising flour. U. S. v. 75 Bags, etc. (F. D. C. No. 27317. Sample Nos. 1916-K, 1917-K.)

LIBEL FILED: June 14, 1949, Northern District of Florida.

ALLEGED SHIPMENT: On or about February 5 and April 13, 1949, from Shawnee, Okla.

PRODUCT: 75 10-pound bags of phosphated flour and 461 10-pound bags of self-rising flour at Pensacola, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15171. Adulteration of flour. U. S. v. 12 Bags * * *. (F. D. C. No. 27352. Sample No. 5779-K.)

LIBEL FILED: June 23, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 6, 1949, from Buffalo, N. Y.

PRODUCT: 12 100-pound bags of flour at Boston, Mass., in possession of J. Sklar & Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent

urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 26, 1949. Default decree of condemnation. The court ordered that the product be denatured and disposed of as animal feed, or destroyed.

15172. Adulteration of flour. U. S. v. 236 Sacks * * *. (F. D. C. No. 27077. Sample No. 32314-K.)

LIBEL FILED: April 29, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about March 15 and 17, 1949, from Seattle, Wash.

PRODUCT: 236 sacks, each containing 100 pounds, of flour at Eureka, Calif., in possession of the M. Vonsen Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 20, 1949. The Fisher Flouring Mills Co., claimant, having admitted the allegations of the libel, the court entered a judgment of condemnation, ordering the product released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. On July 29, 1949, the decree was amended to provide that the product be denatured and used as animal feed.

15173. Adulteration of cake flour. U. S. v. 240 Bags * * *. (F. D. C. No. 27107. Sample No. 25855-K.)

LIBEL FILED: May 7, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about February 3 and 14, 1949, from Loudonville, Ohio.

PRODUCT: 240 100-pound bags of cake flour at Minneapolis, Minn., in possession of the Standard Milling Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 10, 1949. The Standard Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion and its conversion into animal feed, under the supervision of the Federal Security Agency. The segregation operation resulted in the classification of 35 bags as satisfactory for use as human food and the denaturing of 205 bags for use as animal feed.

15174. Adulteration of rice flour. U. S. v. 20 Cases * * *. (F. D. C. No. 27045. Sample No. 29976-K.)

LIBEL FILED: April 14, 1949, District of Utah.

ALLEGED SHIPMENT: On or about January 4, 1949, by Bill and Ed Koda, from South Dos Palos, Calif.

PRODUCT: 20 cases, each containing 36 1-pound bags of rice flour at Salt Lake City, Utah.

LABEL, IN PART: "Mochika Sweet Rice Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

15175. Adulteration of macaroni and noodle products. U. S. v. 5 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 27321, 27322. Sample Nos. 11908-K, 11912-K, 11917-K, 11918-K, 11921-K.)

LIBELS FILED: June 13, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 5, 1949, by the Procino-Rossi Corp., from Auburn, N. Y.

PRODUCT: Macaroni and noodle products. 24 cartons, each containing 20 1-pound packages, 4 cartons, each containing 12 1-pound packages and 8 cartons, each containing 12 1-pound packages, at Scranton, Pa.

LABEL, IN PART: "P-R Brand * * * Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent hairs in all lots, and of rodent excreta in a portion; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 19 and September 20, 1949. Default decrees of condemnation and destruction.

15176. Adulteration of macaroni and spaghetti. U. S. v. 15 Cases, etc. (F. D. C. No. 27353. Sample Nos. 13153-K, 13154-K.)

LIBEL FILED: June 23, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 6 and 27 and May 18, 1949, by the Sorrento Macaroni Co., Inc., from Trenton, N. J.

PRODUCT: 15 20-pound cases of macaroni and 33 20-pound cases of spaghetti at Philadelphia, Pa.

LABEL, IN PART: "Palermo Elbow Macaroni" and Palermo Thin Spaghetti."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 3, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

15177. Adulteration of butter. U. S. v. Middlebury Co-Operative Creamery Co., Inc., Melvin E. Plank, and R. Brian Mauck. Plea of guilty by corpora-

tion; fine of \$500. Pleas of nolo contendere by individual defendants; each fined \$100. Costs also were imposed. (F. D. C. No. 26774. Sample Nos. 15198-K, 15199-K.)

INFORMATION FILED: May 6, 1949, Northern District of Indiana, against the Middlebury Co-Operative Creamery Co., Inc., Middlebury, Ind., Melvin E. Plank, general manager, and R. Brian Mauck, plant superintendent.

ALLEGED SHIPMENT: On or about October 1 and 22, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: (Carton) "Crystal Springs Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 10, 1949. A plea of guilty having been entered on behalf of the corporation and pleas of nolo contendere having been entered by the individual defendants, the corporation was fined \$500 and each individual defendant was fined \$100, plus costs.

15178. Adulteration of butter and nonfat dry milk solids. U. S. v. Dyer Creamery, a partnership, and Wayne P. Wallar. Pleas of guilty. Partnership fined \$300 and individual defendant fined \$75, plus costs. (F. D. C. No. 26724. Sample Nos. 14310-K, 15200-K, 42004-K.)

INFORMATION FILED: September 9, 1949, Northern District of Indiana, against the Dyer Creamery, Dyer, Ind., and Wayne P. Wallar, a partner.

ALLEGED VIOLATION: The defendants were charged with giving a false guaranty with respect to a delivery of nonfat dry milk solids and the interstate shipment of two lots of butter. The guaranty was given to the Watseka Dairy Products Co., Watseka, Ill., on or about May 14, 1947, and provided that all nonfat dry milk solids shipped or delivered by the defendant to the Watseka Dairy Products Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about October 27, 1948, the defendants sold and delivered to the Watseka Dairy Products Co., a quantity of nonfat dry milk solids which was adulterated and which was shipped by the latter firm on or about October 27, 1948, from the State of Indiana into the State of Illinois. The interstate shipment of butter was made on or about October 29, 1948, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Brook View Brand Butter" and "Oak Brand Nonfat Dry Milk Solids * * * Watseka Dairy Products, Watseka, Illinois * * * Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence, in the butter, of insect fragments, insect and fly setae, rodent hairs, and manure fragments, and, in the nonfat dry milk solids, of insect fragments, fly setae, cat hairs, and hairs resembling rodent hairs; and, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 1, 1949. Pleas of guilty having been entered, the partnership was fined \$300 and the individual defendant was fined \$75, plus costs.

15179. Adulteration of butter. U. S. v. 25 Kegs, etc. (F. D. C. No. 25528. Sample Nos. 37088-K, 37089-K.)

LIBEL FILED: On or about August 3, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about July 11, 1948, by the Commercial Creamery Co., Spokane, Wash.

PRODUCT: 35 80-pound kegs of butter at St. Paul Island and St. George Island, Alaska.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance. (Examination showed the presence of rodent hairs and wood splinters.)

Further adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCTS*

15180. Misbranding of creamed cottage cheese. U. S. v. Paramount Ice Cream Co. Plea of guilty. Fine, \$100. (F. D. C. No. 26747. Sample Nos. 29891-K, 29894-K, 49187-K, 49188-K, 49193-K.)

INFORMATION FILED: October 24, 1949, District of Utah, against the Paramount Ice Cream Co. a partnership, Ogden, Utah.

ALLEGED SHIPMENT: On or about March 15 and 18 and May 2, 6, and 27, 1949, from the State of Utah into the State of Idaho.

LABEL, IN PART: "Paramount Creamed Cottage Cheese 16 Oz. Net Weight."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for creamed cottage cheese since it contained less than 4 percent by weight of milk fat, the minimum milk fat content provided by the standard; and 2 of the 5 shipments further failed to conform in that they contained artificial coloring, which is not permitted as an ingredient of creamed cottage cheese.

DISPOSITION: November 17, 1949. A plea of guilty having been entered, the defendant was fined \$100.

15181. Adulteration and misbranding of oleomargarine. U. S. v. 27 Cases * * *. (F. D. C. No. 27134. Sample No. 25695-K.)

LIBEL FILED: May 10, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about April 9, 1949, by the Cudahy Packing Co., from Omaha, Nebr.

PRODUCT: 27 cases, each containing 24 1-pound packages, of oleomargarine at Des Moines, Iowa.

LABEL, IN PART: (Package) "Cudahy's Delrich E-Z Color Pak Vegetable Oleomargarine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent fat.

*See also No. 15178.

DISPOSITION: June 27, 1949. Default decree of forfeiture. The court ordered that the product be delivered to a charitable institution.

FISH AND SHELLFISH

15182. Alleged adulteration of frozen hake fillets. U. S. Morris Fisheries, Inc., George W. Schulman, and the East Tennessee Packing Co. Pleas of not guilty by defendant firms and plea of nolo contendere by individual. Tried to the court and jury. Verdict of not guilty for defendant firms; case dismissed with respect to individual. (F. D. C. No. 20477. Sample No. 16164-H.)

INFORMATION FILED: August 30, 1946, Eastern District of Tennessee, against Morris Fisheries, Inc., Chicago, Ill., and George W. Schulman, sales manager, and the East Tennessee Packing Co., a corporation, Knoxville, Tenn.

ALLEGED SHIPMENT: On or about November 20, 1945, from the State of Tennessee into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of putrid fillets.

DISPOSITION: A motion for a Bill of Particulars was filed on behalf of the defendants on December 2, 1946, and on December 4, 1946, pleas of not guilty were entered. A Bill of Particulars was thereafter filed by the Government, following which the defendants moved that the information be dismissed on the grounds (1) that the information did not state sufficient facts to constitute an offense and (2) that the information, together with the Bill of Particulars filed by the Government, did not charge a violation of any law of the United States or an offense against the United States. A motion to inspect, copy, or photograph certain papers and documents also was filed by the defendant. On September 17, 1948, the court handed down the following decision in regard to the above motions:

DARR, *District Judge*: "The defendants have a motion to dismiss the information, which includes the Bill of Particulars.

"The contentions made by the defendants will be commented upon and conclusions announced in the order presented.

"(a) The information does not charge Criminal Intent, say the defendants, and therefore is not sufficient.

"Quite obviously the information is based upon the law announced at 21 U. S. C. Sec. 331 (a), the punishment for which is fixed in Section 333 (a).

"There is ample authority to the effect that this law may be violated regardless of intent or lack of knowledge of adulteration. *Triangle Candy Co. v. U. S.* C. C. A. Cal (1944), 144 F. 2d 195, 155 A. L. R. 903; *U. S. v. 2 Bags Poppy Seeds*, 147 F. 2d 123 (1945); *U. S. v. Thirteen Crates Frozen Eggs*, 215 F. 584, (C. C. A.-2).

"To substantiate the decisions of these courts, there is a different punishment for a violation of Section 331, 'with intent to defraud or mislead.' 21 U. S. C. Sec. 333 (b). By this provision the violation of Section 331, with intent is a felony. Of course, the case at bar is a misdemeanor.

"(b) The contention is made by the defendants that the information is insufficient because it does not charge that the foods described therein, are 'Articles used for food or drink for men or animals.' The Federal Food, Drug, and Cosmetic Act defines the word 'Food' as contained in the Act, 21 U. S. C. Sec. 331 (f) in the manner above quoted.

"The information uses the word 'Food' and is in the language of the statute and is therefore sufficient. When the word 'Food' is charged in the information it necessarily means food as defined by the law.

"It is to be noted that the definition of the word 'Food' does not carry with it the idea that the particular food introduced into commerce was to be actually used by men or animals. The definition is simply descriptive.

"In any event, it is unnecessary in an information to use the word 'Food' and define it also. *Norris et al. v. United States*, 152 F. 2d 808, 810, (10, 11).

"(c) The next contention is that the defendants, Morris Fisheries, and Schulman, are nonresidents of this district and, therefore, the venue as to them is wrong.

"According to the Bill of Particulars, these defendants are informed against as 'Aiders' and 'Abettors.' The venue for the offense is in this district. Aiders and Abettors do not have to be present when the offense is committed, and wherever they may be does not change the venue of the criminal offense. *Borgia v. United States*: (C. C. A. Cal. 1935), 78 F. 2d, 550, Certiorari denied, 56 S. Ct., 135, 296, U. S. 615, 80 L. Ed. 436; *Collins v. United States*: (C. C. A. Iowa, 1927) 20 F. 2d, 574; *Daniels v. United States*: (C. C. A. Cal., 1927), 17 F. 2d, 339, Certiorari denied, 47 S. Ct. 591, 274 U. S. 744, 71, L. Ed. 1325; *Johnson v. United States*: (C. C. A. Wash., 1932), 62 F. 2d, 32.

"The defendants further make the argument that the receipt in interstate commerce of any food, etc., is made an offense under said section 331 (c), and that the defendants, Morris Fisheries and Schulman, were the consignees of the articles involved. Therefore, that if there is any guilt of these defendants, it is for receiving, and not introducing into interstate commerce under Subsection (a) of Section 331.

"This argument is without merit for the reasons: (1) The same person might be guilty of introducing into interstate commerce adulterated foods under (a), and likewise guilty of receiving the same under (c), all of said Section 331, each being different substantive offenses; and (2) The receipt of such food does not constitute an offense unless there is 'the delivery or proffered delivery thereof for pay or otherwise.'

"There is no reason these defendants cannot be 'Aiders' and 'Abettors' under the provisions of 18 U. S. C. Sec. 550, if the charges in the information are sustained.

"(d) The defendants say that the information is insufficient in that it fails to negative the good faith provisions and exceptions set forth in 21 U. S. C. Sec. 333 (c).

"Very obviously these exceptions are matters of defense and constitute no description of the offense. Under such circumstances it is not necessary for an indictment or information to negative statutory exceptions. *Sutton vs. U. S.* 157 F. 2d 661, 665, and cases cited in notes 7, 8, & 9.

"(e) The last contention made by the defendants is that the information does not charge that the adulteration is such as to render the food injurious to health. This is based upon the same proposition that the statute defines the term, and that the information should have in it the statutory definition, being the same argument made concerning the word 'Food.'

"The information uses the statutory word 'Adulterated' and this is information to the defendants that they are charged with introducing into interstate commerce adulterated food, the adulteration being as defined by the Act. *Norris et al vs United States*, Supra.

"This is a small offense brought by statutory permission upon information. Therefore the offense is not a crime, the prosecution of which must be initiated by indictment as required by the Constitution.

"There is authority in abundance to the effect that the charges in such information do not have to be with the particularity required in an indictment proceeding under constitutional mandate.

"I am of the opinion, therefore, that the information charges an offense, and the motion to dismiss is over-ruled.

ON DEFENDANTS' MOTION TO INSPECT

"The defendants' motion to inspect all papers and documents obtained from the defendants is sustained, and the Attorney for the Government will permit such inspection of these papers.

"In so far as the motion seeks to inspect the papers belonging to others than the defendants, the motion is denied, because there is no charge or proof to the effect that such papers or documents were obtained by seizure or by process."

The case came on for trial on June 27, 1949, before the court and jury, at which time the plea of George W. Schulman was changed to nolo contendere. The trial was concluded on June 28, 1949, with a verdict of not guilty for the defendant firms. After the return of such verdict, and in accordance with a motion made on behalf of the Government, the case was dismissed with respect to George W. Schulman.

15183. Misbranding of canned oysters. U. S. v. 754 Cases * * *. (F. D. C. No. 27237. Samples Nos. 31838-K, 31839-K.)

LIBEL FILED: May 17, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about March 19 and April 9, 1949, by the E. H. Bendiksen Co., South Bend, Wash.

PRODUCT: 754 cases, each containing 24 7½-ounce cans, of oysters, at Los Angeles, Calif.

LABEL, IN PART: "Bendiksen's East Point Fancy Select Pacific Oysters."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned oysters, and its label failed to bear a statement that it fell below such standard. The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

DISPOSITION: June 21, 1949. The E. H. Bendiksen Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

15184. Adulteration of frozen shrimp. U. S. v 113 Cases * * *. (F. D. C. No. 26433. Sample No. 31390-K.)

LIBEL FILED: January 1, 1949, District of Arizona.

ALLEGED SHIPMENT: On or about June 18, 1948, by Pasquera De Topolohamp, Guaymas, Son., Mexico.

PRODUCT: 113 cases, each containing 10 5-pound packages, of frozen shrimp at Phoenix, Ariz.

LABEL, IN PART: (Package) "Ocean Pride Brand Fresh Frozen Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: June 24, 1949. Luis Soto Mercado, agent for Hector Ferreira, having appeared as claimant, and the court having found that the product was adulterated in that it consisted in whole or in part of a decomposed substance and contained a foreign substance, quaternary ammonium compound, which substance would tend to make the product dangerous for human consumption, judgment of condemnation was entered. The court ordered that the product be released under bond for the purpose of sorting, cleaning, salvaging, refreezing, and bringing it into compliance with the law, under the supervision of the Federal Security Agency. The entire lot of the product was reprocessed into fish bait.

FRUITS AND VEGETABLES

CANNED FRUIT

15185. Adulteration of canned prunes and alleged adulteration of canned prune plums. U. S. v. Allen Fruit Co., Inc., and William G. Allen. Pleas of not guilty. Tried to the court. Verdict of guilty on counts 1 and 2 and verdict of not guilty on count 3; fine of \$500 against each defendant. (F. D. C. No. 23573. Sample Nos. 62275-H, 67379-H, 67380-H.)

INFORMATION FILED: November 25, 1947, District of Oregon, against Allen Fruit Co., Inc., Salem, Oreg., and William G. Allen, president and manager of the corporation.

ALLEGED SHIPMENT: On or about October 1 and December 14, 1946, from the State of Oregon into the States of Oklahoma and Montana, of a number of unlabeled cans of prunes and a number of cans of prune plums.

LABEL, IN PART: "Allen Brand Oregon Prune Plums."

NATURE OF CHARGE: Canned prunes. Adulteration, Section 402 (a) (3), (counts 1 and 2) the article consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Canned prune plums. Adulteration, Section 402 (a) (3), (count 3) the article consisted in part of a decomposed substance by reason of the presence of rotten prunes.

DISPOSITION: Pleas of not guilty having been entered, the case came on for trial before the court without a jury on or about September 24, 1948. At the conclusion of the trial, an opportunity was accorded to counsel for the submission of briefs; and on April 11, 1949, after consideration of the testimony and briefs of counsel, the court returned a verdict of guilty as to both defendants on counts 1 and 2 of the information and a verdict of not guilty on count 3. On September 6, 1949, the court imposed a fine of \$500 on each of counts 1 and 2 against both defendants, a total fine of \$1,000.

15186. Misbranding of canned peaches. U. S. v. 37 Cases, etc. (F. D. C. No. 27302. Sample No. 2113-K.)

LIBEL FILED: June 6, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about February 14, 1949, by the George Noroian Co., from Dinuba, Calif.

PRODUCT: 80 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Washington, D. C.

LABEL, IN PART: "Irregular Ripe and Ragged Fruitful Valley Brand Halves Nectar Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be, and was represented as, canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup" and the product was packed in heavy sirup.

DISPOSITION: June 14, 1949. Sheridan Super Market, Inc., Washington, D. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS*

15187. Adulteration of imitation raspberry-flavored apple filling. U. S. v. 9 Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 27348 to 27350, incl. Sample Nos. 5240-K, 62349-K, 62350-K.)

LIBELS FILED: On or about June 24 and 29, 1949, Districts of Maine and Rhode Island.

ALLEGED SHIPMENT: On or about May 13 and 19, 1949, by the Carew-Powers Co., from Boston, Mass.

PRODUCT: Imitation raspberry-flavored apple filling. 9 40-pound cans at Lewiston, Maine, and 18 40-pound cans at Central Falls, R. I.

LABEL, IN PART: "Princess Brand Imitation Raspberry Flavored Apple Filling."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color and raspberry seeds had been added to the product and mixed and packed with it so as to make it appear better or of greater value than it was.

DISPOSITION: July 27 and September 15, 1949. Default decrees of condemnation. The court ordered that the product be delivered to charitable institutions.

15188. Adulteration of apple sauce and apricot nectar. U. S. v. 100 Cases, etc. (F. D. C. No. 25950. Sample Nos. 31779-K, 31780-K.)

LIBEL FILED: November 18, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about August 24, 1948, by the Pure Foods Corp., from Los Angeles, Calif., to Wilmington, Calif., for shipment to Puerto Rico.

PRODUCT: 100 cases, each containing 24 1-pound, 4-ounce cans, of apple sauce, and 148 cases, each containing 48 12-ounce cans, of apricot nectar, at Wilmington, Calif.

LABEL, IN PART: "Golden Flow Brand Apple Sauce [or "Apricot Nectar"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments (in the apple sauce), maggots, fly eggs, and insect parts (in the apricot nectar).

DISPOSITION: November 29, 1949. Decree of condemnation and destruction.

15189. Adulteration and misbranding of peach preserves and grape jelly. U. S. v. 74 Cases, etc. (F. D. C. No. 27346. Sample Nos. 1228-K, 1229-K.)

LIBEL FILED: June 28, 1949, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about November 1, 1948, and February 28, 1949, by Webb's, Inc., from St. Petersburg, Fla.

PRODUCT: 74 cases, each containing 24 10-ounce jars, of peach preserves, and 92 cases, each containing 24 10-ounce jars, of grape jelly, at Charleston, S. C.

LABEL, IN PART: (Jar) "Treat Pure Peach Preserves [or "Grape Jelly"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit, in the case of the preserves, and grape juice, in the case of the jelly, and both containing added phosphoric acid or phosphate, had been substituted for peach preserves and grape jelly, respectively.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for peach preserves and grape jelly since

*See also Nos. 15151-15153.

they were made from mixtures composed of less than 45 parts by weight of the fruit, or fruit juice, ingredient to each 55 parts by weight of one of the saccharine ingredients, and since they contained added phosphoric acid or phosphate, which are not permitted as ingredients of peach preserves or grape jelly.

DISPOSITION: August 15, 1949. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

CANNED VEGETABLES

15190. Alleged adulteration of canned asparagus. U. S. v. 298 Cases * * *. Tried to the court. Judgment for the claimant. (F. D. C. No. 25681. Sample No. 36541-K.)

LIBEL FILED: October 25, 1948, District of Oregon; amended libel filed March 17, 1949.

ALLEGED SHIPMENT: On or about June 4 and July 7, 1948, by the Top-Side Canning Co., from Grandview, Wash.

PRODUCT: 298 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Salem, Oreg.

LABEL, IN PART: "Ski-Slide Brand Center Cuts Tips Removed All Green Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of hard and woody pieces of asparagus.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for asparagus cuts, tips removed. The definition and standard provides that asparagus cuts, tips removed, are the edible, succulent portion of sprouts of the asparagus plant from which the tip has been removed, cut in pieces, whereas the article consisted of hard and woody pieces of asparagus stalks.

DISPOSITION: The Top-Side Canning Co., claimant, having filed an answer denying that the product was adulterated and misbranded, the case came on for trial before the court without a jury on May 6, 1949. After the trial had been concluded, the court handed down the following opinion on May 9, 1949:

McCOLLOCH, *District Judge*: "Defendant is an asparagus packer. One of his products is the center cut of the asparagus. This retails for 20¢ per can (1 lb. 3 oz.) containing 95 to 100 cuts, as compared with 40 to 45 cents per can for the choicer tips.

"The Government contends that defendant's center cuts are fibrous and woody beyond the permissible limits set up by the Federal Food, Drug, and Cosmetic Administration. Three witnesses for the Government said that they had each eaten a can (or attempted to) of defendant's cuts. The composite of their testimony was that 25% or more of the cuts were inedible, and the Government's witnesses condemned them as a food product.

"On the other hand, the Director of Mary Cullen's Cottage found only 5 or 6 pieces out of 100 that she had to lay aside. Confronted with this conflict in testimony, I obtained counsels' consent to eat a can. This I have done, although I confess had I understood all the difficulties of the undertaking, I might not have been so bold.

"To eat a can of asparagus, hand-running, as the saying is, is quite a chore. I took three days to eat the can. That, I can now state, is as much as an old protein user should attempt on his first venture into herbalism. I suspect the Government witnesses tried to eat their cans all at one time, and that may explain the severity of their judgment about defendant's asparagus. I can see where after 50 or 60 cuts, eaten without spelling oneself, one might become very particular.

"My test more than confirmed Miss Laughton's good opinion of the cuts. She found 5 or 6 per cent inedible, whereas I ate all of my can, and felt that I was helped by it. There was one runty, tough piece and two or three slivers, but I treated them as de minimis.

"I agree with the Director of Mary Cullen's Cottage that this is an excellent product, particularly considering its low price. Not everybody in this country can 'keep up with the Joneses' and eat only asparagus tips. Indeed it seems strange to me that the Government should be interested in keeping from the market a moderately priced, wholly nutritious food product. I should think in this period of declining income the Government's interest would be the other way. If Mr. Prendergast will prepare appropriate findings, I will give his client's center cuts a clean bill of health. They deserve it."

On May 14, 1949, the court made findings of fact and conclusions of law to the effect that the fibrous and woody portions of the product were insignificant and de minimis and that the product was not adulterated or misbranded, and ordered that the libel be dismissed.

15191. Misbranding of canned mushrooms. U. S. v. 24 Cases, etc. (F. D. C. No. 27248. Sample Nos. 40718-K, 40719-K.)

LIBEL FILED: May 19, 1949, District of Montana.

ALLEGED SHIPMENT: On or about April 14, 1949, by the Olympia Mushroom Farms, Olympia, Wash.

PRODUCT: 24 cases, each containing 24 cans, and 11 cases, each containing 12 cans, of mushrooms at Butte, Mont.

LABEL, IN PART: "Dawn Fresh Fancy Button Mushrooms Net Drained Wt. 8 Oz. Avd." or "Dawn Fresh Pieces and Stems Mushrooms Net Drained Wt. 4 Oz. Avd."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the cans were short-weight.

DISPOSITION: August 12, 1949. The Olympia Mushroom Farms, claimant, having admitted the allegations of the libel, judgment was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15192. Adulteration and misbranding of canned spinach. U. S. v. 75 Cases, etc. (F. D. C. No. 27057. Sample Nos. 51421-K, 51422-K.)

LIBEL FILED: April 20, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 6, 1949, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 75 cases, each containing 24 1-pound, 2-ounce cans, and 58 cases, each containing 6 6-pound, 6-ounce cans, of spinach at Muncie, Ind.

LABEL, IN PART: "Glendale Brand Spinach" and "Gold Inn Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned spinach since the standard provides that canned spinach is sealed in a container and so processed by heat as to prevent spoilage, and the article had not been processed by heat so as to prevent spoilage.

DISPOSITION: August 8, 1949. Default decree of forfeiture and destruction.

15193. Adulteration and misbranding of canned spinach and canned mustard greens. U. S. v. 27 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 27136, 27168 to 27171, incl. Sample Nos. 29061-K, 29687-K, 29688-K, 29690-K, 29691-K, 38410-K.)

LIBELS FILED: April 28 and May 16, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about February 17, 1949, by the L. H. Moore Canning Co., from Edinburg, Tex.

PRODUCT: 840 cases, each containing 24 1-pound, 2-ounce cans, and 27 cases, each containing 48 10-ounce cans, of spinach; and 87 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens, at Las Vegas, Gallup, Albuquerque, and Santa Fe, N. Mex.

LABEL, IN PART: (Can) "Gold Inn Brand Spinach * * * Packed by Meyer Canning Co. Edinburg, Texas," "Marshall Seal Spinach," and "Marshall Seal Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for canned spinach and canned mustard greens since they had not been sealed in containers and so processed by heat as to prevent spoilage.

DISPOSITION: November 14, 1949. The Meyer Canning Co., Edinburg, Tex., having entered an appearance and consented to the entry of decrees, judgments were entered and the court ordered that the mustard greens and a portion of the spinach be condemned and destroyed.

The remainder of the spinach, consisting of 285 cases and 19 cans coded "SPA7N," was found to be fit for food and was ordered by the court to be distributed to charitable institutions.

TOMATOES AND TOMATO PRODUCTS*

15194. Adulteration and misbranding of canned tomatoes. U. S. v. 1,550 Cases * * * (and 1 other seizure action). (F. D. C. No. 27326, 27328. Sample Nos. 5956-K, 48388-K.)

LIBELS FILED: June 14 and 15, 1949, Eastern District of Pennsylvania and District of Massachusetts.

ALLEGED SHIPMENT: On or about March 24 and April 5, 1949, by A. W. Sisk & Son, from Andrews, Md.

PRODUCT: Canned tomatoes. 1,550 cases at Philadelphia, Pa., and 114 cases at Worcester, Mass. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Pine Cone Brand Tomatoes * * * Albert W. Sisk & Son Distributors Not Manufacturers."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because both lots showed a low drained weight as determined by the sieve test set forth in the standard, and they contained excessive tomato peel; the Philadelphia lot contained excessive blemishes; and the labels on both lots failed to bear the substandard legend.

DISPOSITION: July 12, 1949. Sewell L. Simmons, Andrews, Md., claimant for the Philadelphia lot, having consented to the entry of a decree, judgment of

*See also Nos. 15154, 15155.

condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

On July 26, 1949, no claimant having appeared for the remaining lot, the product was condemned and the court ordered that it be delivered to a charitable institution.

15195. Adulteration of canned tomatoes. U. S. v. 51 Cases * * *. (F. D. C. No. 26403. Sample No. 5640-K.)

LIBEL FILED: January 11, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 11, 1948, by the Orleans County Canning Co., from Albion, N. Y.

PRODUCT: 51 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Brockton, Mass.

LABEL, IN PART: (Can) "Trustworthy Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 19, 1949. Default decree of condemnation and destruction.

15196. Adulteration of tomato catsup. U. S. v. 1,900 Cases * * *. (F. D. C. No. 26129. Sample No. 11066-K.)

LIBEL FILED: December 14, 1948, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 19 and 24, 1948, by Walter Rathbun, Inc., from Phalanx, N. J.

PRODUCT: 1,900 cases, each containing 24 14-ounce bottles, of tomato catsup at Brooklyn, N. Y.

LABEL, IN PART: (Bottle) "Rokeach Tomato Ketchup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 3, 1949. Default decree of condemnation and destruction.

15197. Adulteration and misbranding of tomato puree. U. S. v. 990 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22178, 22179. Sample Nos. 71028-H, 71029-H.)

LIBELS FILED: On or about January 13 and 23, 1947, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about October 10, 1946, by Charles Goodman, from Los Angeles, Calif.

PRODUCT: 990 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Brooklyn, N. Y., and 454 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at New York, N. Y.

LABEL, IN PART: (Cans) "Tamco Brand Tomato Puree * * * Packed By Tastemore Canning Co. Baldwin Park, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: Charles Chesman, New York, N. Y., appeared as claimant in each of the libel proceedings. On December 5, 1947, upon motion of the claimant, the proceedings in the Eastern District of New York were removed for trial to the Southern District of New York.

On August 12, 1949, the claimant having failed to file an answer to the libels, judgments of condemnation were entered and the court ordered that the product be destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15198. Action for declaratory judgment. Cook Chocolate Company v. Watson B. Miller, Federal Security Administrator, and Tom C. Clark, Attorney General. Action against Attorney General dismissed. Oscar R. Ewing substituted as defendant. Tried to the Court. Complaint dismissed. Motion for new trial denied.

On or about February 17, 1947, the Cook Chocolate Company, Chicago, Ill., filed a complaint in the United States District Court for the District of Columbia, for the purpose of having the court determine (1) that the Federal Security Administrator should hold a public hearing as provided in Section 701 (e) of the Act, upon plaintiff's application to amend the cacao products regulations, and (2) that plaintiff's product, Vita Sert, did not violate the cacao products regulations established by the Federal Security Administrator. A motion to dismiss the complaint was filed thereafter on behalf of the defendants, and after consideration of the arguments and briefs of counsel, the following opinion was handed down on July 7, 1947:

BAILEY, *Justice*: "Section 371 (e) of the Federal Food, Drug and Cosmetic Act provides that the Administrator, on his own initiative or upon an application of any interested industry or substantial portion thereof *stating reasonable grounds therefor*, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by certain sections of the Act. The act further provides that after the public hearing the industry seeking a change in the regulation may appeal to the Court of Appeals from any order made by the Administrator based upon the evidence given at the public hearing.

"In this case the plaintiff, who is a large manufacturer of sweet chocolates, has sought to have the Administrator have a public hearing to amend his regulation upon sweet chocolates so that certain vitamins may be added to the chocolates. The plaintiff manufacturing a sweet chocolate to which certain vitamins have been added, the whole being sold under the name of Vita Sert, stated in his application certain facts in support of his application that the Administrator had permitted vitamins to be added to certain cereals providing optional standards for vitamin enrichment in Farina, macaroni, wheat, flour, and corn meal; that the British Ministry of Food announced that chocolate had been found to be the best medium for administering vitamin concentrates; that the United States Army had ordered and utilized vitaminized chocolate on a large scale in its emergency ration; that the Red Cross had also used large quantities of it for undernourished persons abroad, and annexed to its application letters from eminent physicians and other authorities.

"The Administrator refused to hold a public hearing, saying that no reasonable ground was shown for holding it. Thereupon, plaintiff brought this suit,

seeking a declaratory judgment, and to direct the Administrator to hold a public hearing upon plaintiff's application, and that the court determine that the plaintiff's product Vita Sert does not violate the Cacao products regulation established by the Federal Security Administrator.

"The defendant, the Federal Security Administrator, has moved to dismiss the complaint on the ground that the court is without jurisdiction and that the complaint fails to state facts sufficient to constitute a cause of action. As to the question of jurisdiction he contends that the action of the Administrator is a discretionary one and that the court has no power to review it. However, if the foregoing allegations of the petition filed with the Administrator are true, the action of the latter is clearly arbitrary. His power to fix regulations is given whenever 'in the judgment of the Administrator such action will promote honesty and fair dealing in the interest of consumers' and his holding that the plaintiff's application did not show reasonable grounds was not based upon this power but apparently upon some general authority not vested in him by the statute to define whether or not the addition of vitamins to chocolates to be used as a confection would be used by the public in sufficient quantities to justify a new regulation or an amendment to the existing regulation. See *Perkins v. Ely*, 307 U. S. 325.

"So far then, as the action of the Administrator in denying plaintiff's application is concerned, the motion to dismiss the complaint will be overruled.

"As to plaintiff's right to declaratory judgment as to whether or not its product Vita Sert is barred by the defendant's regulation, this question is governed by the case of *Helco Products Co., Inc. v. McNutt*, 78 App. D. C. 71. As to that and also as to the defendant, the Attorney General, the motion to dismiss will be sustained."

On August 19, 1947, an order was entered by the court, dismissing the plaintiff's cause of action for declaratory judgment to determine that the product Vita Sert does not violate the definition and standard of identity for cacao products, and dismissing the action as to the Attorney General. The court, however, denied the defendant's motion to dismiss the action for a declaratory judgment to determine that the Federal Security Administrator should hold a public hearing upon the plaintiff's application to amend the definition and standard of identity for cacao products; and on March 28, 1949, the matter was tried to the court. At the conclusion of the testimony, counsel for the defendant moved for judgment of dismissal on the merits. The court, after considering the evidence and arguments and briefs of counsel, handed down the following findings of fact and conclusions of law, sustaining the defendant's motion:

LETTS, Justice: "The above-entitled action came on for trial before the Court without a jury on the 28th day of March 1949. At the conclusion of the testimony adduced and presented by and on behalf of plaintiff, counsel for defendant moved for judgment of dismissal on the merits.

"The Court having heard and considered said testimony, the arguments of counsel and the briefs filed in support of and against said motion, and being duly advised in the premises, now makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

"1. The plaintiff manufactures a sweet chocolate bar with added vitamins known as 'Vita Sert.'

"2. The Administrator of the Federal Security Agency promulgated a regulation under Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 341) fixing and establishing a definition and standard of identity for sweet chocolate, effective October 1, 1945. Such regulation does not provide for the addition of vitamins as an optional ingredient in sweet chocolate.

"3. On September 5, 1945, the plaintiff filed an application with the Administrator requesting that a public hearing be called under the provisions of Section 701 (e) of the Act (21 U. S. C. 371 (e)) to consider a proposal to amend the definition and standard of identity for sweet chocolate so as to permit the addition of vitamins as an optional ingredient. Plaintiff's application set forth the claims and representations made by the plaintiff as a basis for its request.

"4. The Administrator denied plaintiff's application in a letter to plaintiff dated October 11, 1945, on the ground that the application did not present reasonable grounds for concluding that the proposed amendment would promote honesty and fair dealing in the interest of the consumer.

"5. Upon receipt of the denial of the application, plaintiff, on July 24, 1946, filed a second application with the Administrator requesting that a public hearing be called to consider its proposal to amend the regulations so as to include vitamins as an optional ingredient in sweet chocolate. Plaintiff's second application set forth the claims and representations made by the plaintiff as a basis for such request.

"6. The Administrator denied plaintiff's second application in a letter to plaintiff dated January 15, 1947, on the ground that the application did not state reasonable grounds for the holding of a public hearing.

"7. No competent evidence was produced at the trial to prove or tending to prove the claims and representations contained in plaintiff's applications filed with the Administrator.

CONCLUSIONS OF LAW

"1. The only issue in this case is whether the Administrator abused his discretion or acted arbitrarily or illegally in denying plaintiff's applications.

"2. The burden of proof was upon the plaintiff to establish that the Administrator's action was arbitrary or illegal or an abuse of discretion.

"3. The applications and other documentary evidence admitted at the trial are only competent to show the claims and representations made by plaintiff to the Administrator and may not be accepted as proof of the facts therein set forth. The plaintiff's case rested on claims made to the Administrator which had not been established by any competent or relevant evidence.

"4. There is no competent evidence to prove or tending to prove that the Administrator acted arbitrarily or illegally or that he abused his discretion in denying plaintiff's applications.

"5. Upon the facts and the law the plaintiff has shown no right to relief.

"6. The defendant is entitled to an order and judgment for the dismissal of this action upon the merits, and for costs."

In accordance with the above findings of fact and conclusions of law, the action was ordered dismissed upon its merits. A motion for a new trial was made on behalf of the plaintiff, and on May 26, 1949, an order was entered denying such motion.

15199. Misbranding of Raymond K. Auville's Ultra Natural Health Food Combination No. 4. U. S. v. 3 Cartons * * *. (F. D. C. No. 23902. Sample No. 6204-K.)

LIBEL FILED: November 7, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: During July 1947, by Raymond K. Auville, from Kerens, W. Va.

PRODUCT: 3 3-ounce cartons of Raymond K. Auville's Ultra Natural Health Food Combination No. 4 at South Heights, Pa.

LABEL, IN PART: "Raymond K. Auville's Ultra Natural Health Food Combination No. 4—New Formula * * * Contents: Approximate measurement of ingredients; wild cherry leaves, three parts; wild Indian heart leaves, one part; walnut leaves, one part; wild cherry bark, two parts; may apple root, one part; red root, one half one part; red root, trace; vine fern, one half one part; alum root, one half one part; prickly ash bark, trace."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Health Food * * * Natural Health Food * * * nutritional aid for the naturalization of the blood stream" were false and misleading since the article would not maintain health in those who are healthy or restore health to those who are unhealthy, and it would not make natural the blood stream.

DISPOSITION: September 21, 1949. Default decree of condemnation and destruction.

15200. Misbranding of Calgum. U. S. v. 19 Boxes * * *. (F. D. C. No. 27196. Sample No. 55506-K.)

LIBEL FILED: On or about May 19, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 4, 1949, by the Calgum Co., from Topeka, Kans.

PRODUCT: 19 boxes of Calgum at Kansas City, Mo. Examination showed that the product was a chewing gum containing small amounts of calcium, phosphorus, and fluorine.

LABEL, IN PART: "Calgum Nourishes Bones and Teeth."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following label statements were false and misleading since they represented and suggested that the common foods available are not reliable sources of minerals, whereas the common foods available are reliable sources of minerals: "Nourishes Bone and Teeth The daily diet of refined foods and food grown on mineral poor soil causes a deficiency of necessary mineral elements in our diet. Minerals removed from the soil by grain, vegetables or fruit are not replaced as regularly as they are removed due to the lack of soil rebuilding."

Further misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient in the article.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2908.

DISPOSITION: September 15, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15151 TO 15200

PRODUCTS

	N. J. No.		N. J. No.
Apple filling, imitation raspberry-flavored -----	15187	Calgum -----	15200
sauce -----	15188	Candy -----	15157-15161
Apricot nectar -----	15188	Catsup, tomato -----	15196
Asparagus, canned ----- ¹	15190	Cereals and cereal products ---	15165-15176
Auville's, Raymond K., Ultra Natural Health Food Combination No. 4 -----	15199	Cheese, cottage, creamed -----	15180
Bakery products -----	15165-15168	Coffee sweeps -----	15156
Beverages and beverage materials -----	15151-15156, 15188	Cookies. See Cakes and cookies.	
Bread and rolls -----	15165, 15166	Cottage cheese, creamed -----	15180
Butter -----	15177-15179	Dairy products -----	15177-15181
Cakes and cookies --	15165, 15167, 15168	Easter eggs -----	15159
		Eggs, Easter, and jelly eggs -----	15159
		Fish and shellfish ----- ²	15182-15184
		Flour -----	15169-15174

¹ (15190) Seizure contested. Contains opinion of the court.
² (15182) Prosecution contested. Contains opinion of the court.

	N. J. No.		N. J. No.
Fruits and vegetables----	15151-15155, ^{3, 1} 15185-15197	Peach(es), canned-----	15186
fruit, canned-----	³ 15185, 15186	preserves-----	15189
miscellaneous fruit prod- ucts---	15151-15153, 15187-15189	Phosphated flour-----	15170
tomatoes and tomato prod- ucts-----	15154, 15155, 15194-15197	Pineapple juice, canned-----	15153
vegetables, canned----	¹ 15190-15193	Plums, prune, canned-----	³ 15185
Grape jelly-----	15189	Preserves, peach-----	15189
Grapefruit beverage base-----	15151	Prunes and p r u n e plums, canned -----	³ 15185
Hake fillets, frozen-----	² 15182	Rice flour-----	15174
Jelly eggs-----	15159	Rolls. <i>See</i> Bread and rolls.	
grape -----	15189	Self-rising flour-----	15169, 15170
rolls -----	15165	Shellfish. <i>See</i> Fish and shellfish.	
Kream Fill-----	15158	Shrimp, frozen-----	15184
Macaroni and noodle products--	15175, 15176	Spinach, canned-----	15192, 15193
Meringue-----	15158	Sugar-----	15162-15164
Milk solids, nonfat, dry-----	15178	Tomato(es), canned-----	15194, 15195
Mushrooms, canned-----	15191	catsup -----	15196
Mustard greens, canned-----	15193	juice-----	15154, 15155
Noodles. <i>See</i> Macaroni and noodle products.		puree -----	15197
Oleomargarine-----	15181	Ultra Natural Health Food Com- bination No. 4, Raymond K. Auville's -----	15199
Orange juice, canned-----	15152	Vegetables. <i>See</i> Fruits and vege- tables.	
Oysters, canned-----	15183	Vita Sert-----	⁴ 15198
Pastry flour-----	15173	Vitamin, mineral, and other prod- ucts of special dietary signifi- cance -----	⁴ 15198-15200

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Allen, W. G.:		Brokay Products. <i>See</i> Kane, Herbert.	
canned prunes and canned prune plums-----	³ 15185	Butter Nut Baking Co. <i>See</i> Hughes, A. M.	
Allen Fruit Co., Inc.:		Calgum Co.:	
canned prunes and canned prune plums-----	³ 15185	Calgum-----	15200
Atlantic & Pacific Tea Co.:		Caltone Corp.:	
bread and rolls-----	15166	canned orange juice-----	15152
Auville, R. K.:		Carew-Powers Co.:	
Raymond K. Auville's Ultra Natural Health Food Com- bination No. 4-----	15199	imitation raspberry - flavored apple filling-----	15187
Bendiksen, E. H., Co.:		Carr Consolidated Biscuit Co.:	
canned oysters-----	15183	cookies -----	15167

¹ (15190) Seizure contested. Contains opinion of the court.² (15182) Prosecution contested. Contains opinion of the court.³ (15185) Prosecution contested.⁴ (15198) Action for declaratory judgment dismissed. Contains opinion of court, findings of fact, and conclusions of law.

	N. J. No.		N. J. No.
Cash & Carry Stores, Inc.:		Lipkin, L. B.:	
sugar -----	15164	bread and rolls -----	15166
Clark, T. C.:		Manati Packing Co., Inc.:	
Vita Sert -----	⁴ 15198	canned pineapple juice -----	15153
Commercial Creamery Co.:		Mauck, R. B.:	
butter -----	15179	butter -----	15177
Cook Chocolate Co.:		Mays, W. I.:	
Vita Sert -----	⁴ 15198	self-rising flour -----	15169
Cudahy Packing Co.:		Meyer Canning Co.:	
oleomargarine -----	15181	mustard greens, canned -----	15193
De Topolohamp, Pasquera:		spinach, canned -----	15192, 15193
frozen shrimp -----	15184	Middlebury Co-Operative Cream-	
DiGiorgio Allegretto Co.:		ery Co., Inc.:	
candy -----	15160	butter -----	15177
Dyer Creamery:		Miller, W. B.:	
butter and nonfat dry milk		Vita Sert -----	⁴ 15198
solids -----	15178	Moore, L. H., Canning Co.:	
East Tennessee Packing Co.:		canned spinach and canned	
frozen hake fillets -----	² 15182	mustard greens -----	15193
Ewing, O. R.:		Morris Fisheries, Inc.:	
Vita Sert -----	⁴ 15198	frozen hake fillets -----	² 15182
Fisher, S. S.:		Muggenburg, E. C.:	
candy -----	15157	candy -----	15157
Fisher Nut & Chocolate Co., Inc.:		National Retailer-Owned Grocers,	
candy -----	15157	Inc.:	
Frazer, N. W.:		canned orange juice -----	15152
tomato juice -----	15154	Noroian, George, Co.:	
Garden State Canning Co.:		canned peaches -----	15186
tomato juice -----	15154	Olympia Mushroom Farms:	
Gold Medal Baking Co., Inc.:		canned mushrooms -----	15191
bread and rolls -----	15166	Orleans County Canning Co.:	
Goodman, Charles:		canned tomatoes -----	15195
tomato puree -----	15197	Paramount Ice Cream Co.:	
Gray, H. R.:		creamed cottage cheese -----	15180
tomato juice -----	15154	Plank, M. E.:	
Holiday Sweets, Inc.:		butter -----	15177
candy -----	15161	Procino-Rossi Corp.:	
Hughes, A. M.:		macaroni and noodle products -----	15175
bakery products -----	15165	Pure Foods Corp.:	
Kane, Herbert:		apple sauce and apricot nectar -----	15188
Nut Krunch, meringue, and		Rathbun, Walter, Inc.:	
Kream Fill -----	15158	tomato catsup -----	15196
Koda, Bill and Ed:		Riggi Candy Co.:	
rice flour -----	15174	candy -----	15159
Kontos Bros, Inc.:		Schulman, G. W.:	
tomato juice -----	15154	frozen hake fillets -----	15182

¹ (15190) Seizure contested. Contains opinion of the court.² (15182) Prosecution contested. Contains opinion of the court.³ (15185) Prosecution contested.⁴ (15198) Action for declaratory judgment dismissed. Contains opinion of court, findings of fact, and conclusions of law.

	N. J. No.		N. J. No.
Schuylkill Valley Grocery Co., Inc.:		Top-Side Canning Co.:	
tomato juice-----	15154	canned asparagus-----	¹ 15190
Sethness, C. O. & W. D.:		Utley Warehouse Co.:	
grapefruit beverage base-----	15151	sugar-----	15163
Sisk, A. W., & Son:		Vincennes Packing Corp.:	
canned tomatoes-----	15194	tomato juice-----	15155
Sklar, J., & Co., Inc.:		Vonsen, M., Co.:	
flour-----	15171	flour-----	15172
Sloan's Transfer & Storage Co.:		Wallar, W. P.:	
sugar-----	15162	butter and nonfat dry milk solids-----	15178
Sorrento Macaroni Co., Inc.:		Watseka Dairy Products Co.:	
macaroni and spaghetti-----	15176	butter and nonfat dry milk solids-----	15178
Standard Milling Co.:		Webb's, Inc.:	
cake flour-----	15173	peach preserves and grape jelly-----	15189
Swoope Milling Co., Inc.:			
self-rising flour-----	15169		
Tastemore Canning Co.:			
tomato puree-----	15197		

¹ (15190) Seizure contested. Contains opinion of the court.

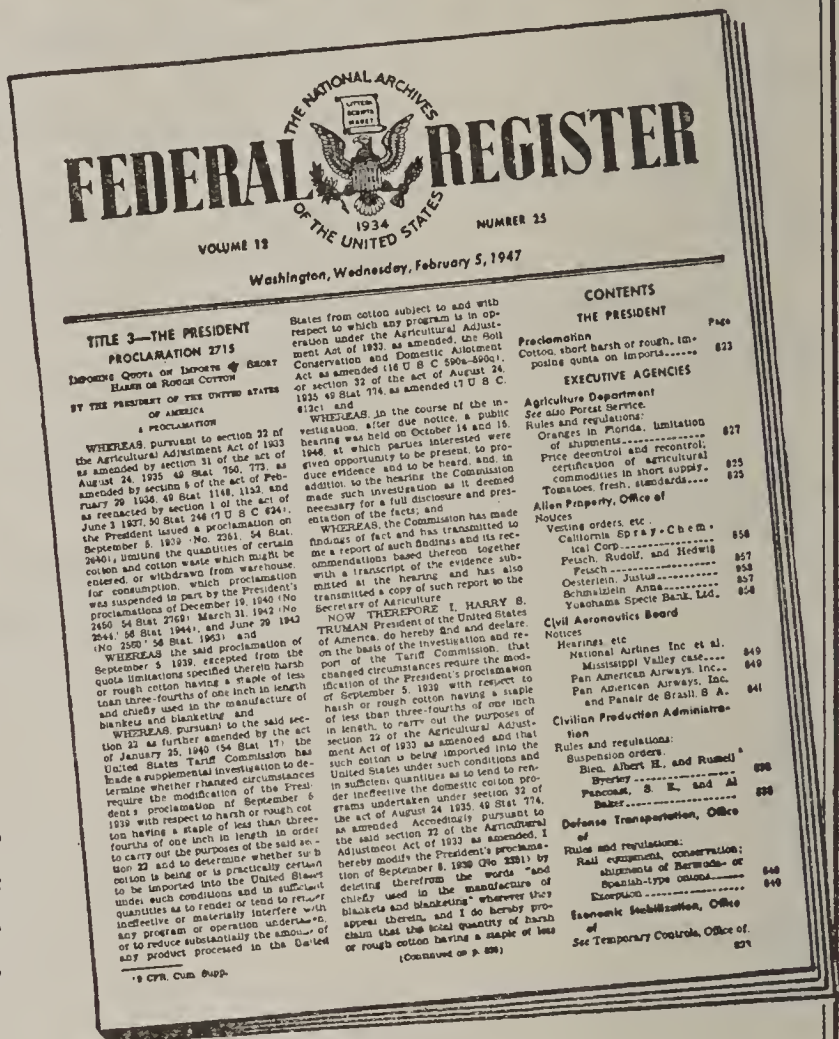
A New Service by the

FEDERAL REGISTER

The scope of the FEDERAL REGISTER has been expanded by the "Administrative Procedure Act" (Public Law 404—79th Congress, approved June 11, 1946), specifically requiring publication of—

1. Agency organization and procedure,
2. Substantive rules and statements of general policy or interpretations,
3. Notice of proposed rule making,

and further providing that no person shall in any manner be required to resort to organization or procedure not so published.



**A sample copy and information on request to the Federal Register
National Archives, Washington 25, D. C.**

THE FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect. A partial list of subjects covered includes:

Agriculture	Customs	Labor Relations	Shipping
Aliens	Fair Trade Practices	Mineral Resources	Surplus Property
Aviation	Food and Drugs	Procurement	Taxation
Business Credit	Foreign Relations	Reconversion	Transportation
Communications	Housing	Securities	Wages and Hours

Order from
SUPERINTENDENT OF DOCUMENTS
U. S. GOVERNMENT PRINTING OFFICE
WASHINGTON 25, D. C.

\$1.50 A MONTH
\$15 A YEAR
Order by Catalog No.
FR 47—Federal Register

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15201-15250

FOODS

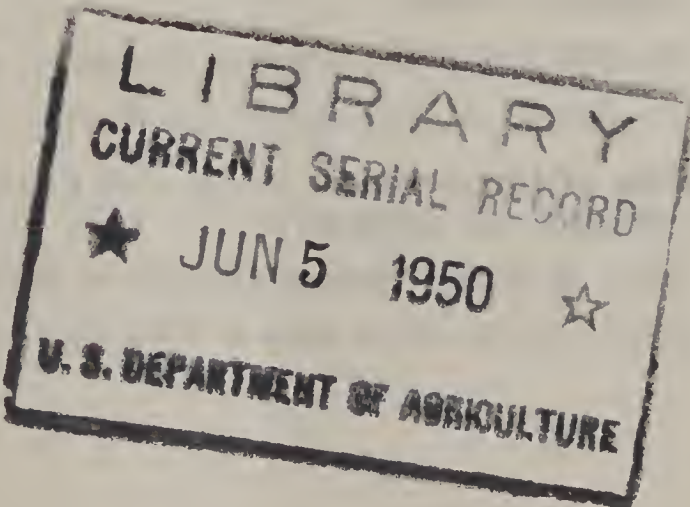
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 28, 1950.*

CONTENTS

	Page		Page
Beverages.....	710	Fruits and vegetables.....	719
Cereals and cereal products.....	711	Dried fruit.....	719
Bakery products.....	711	Jelly and preserves.....	720
Corn meal.....	712	Vegetables and vegetable prod-	
Flour.....	713	ucts.....	721
Miscellaneous cereals and cereal		Tomatoes and tomato products ..	722
products.....	714	Oils and fats.....	724
Dairy products.....	715	Spices, flavors, and seasoning ma-	
Butter.....	715	terials.....	725
Miscellaneous dairy products....	717	Miscellaneous foods.....	726
Fish and shellfish.....	718	Index.....	727



BEVERAGES**15201. Adulteration of miniature bottles of imitation beer. U. S. v. 2,088 Miniature Bottles * * *. (F. D. C. No. 27409. Sample No. 42017-K.)**

LIBEL FILED: June 30, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 22, 1948, by the Milwaukee Bottling Plant, Milwaukee, Wis.

PRODUCT: 2,088 miniature bottles of imitation beer at Chicago, Ill. The product consisted of a foaming liquid which was contaminated with coliform bacteria.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of coliform bacteria.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

15202. Adulteration of tomato juice. U. S. v. 490 Cases * * *. (F. D. C. No. 27445. Sample No. 41857-K.)

LIBEL FILED: July 13, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 5, 1949, by the Doane Canning Co., from Jackson Center, Ohio.

PRODUCT: 490 1-pint, 2-ounce cans, of tomato juice at Chicago, Ill.

LABEL, IN PART: "None Such Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: October 5, 1949. Default decree of condemnation and destruction.

15203. Adulteration of tomato juice. U. S. v. 242 Cases * * *. (F. D. C. No. 27446. Sample Nos. 42823-K, 42825-K.)

LIBEL FILED: July 19, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 11, 1949, by Meeter's, Inc., Union Grove, Wis.

PRODUCT: 242 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Chicago, Ill.

LABEL, IN PART: "Love-Apple Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and it was otherwise unfit for food by reason of its bitter, unpleasant taste.

DISPOSITION: November 3, 1949. Default decree of condemnation and destruction.

15204. Adulteration of tomato juice. U. S. v. 40 Cases * * *. (F. D. C. No. 27436. Sample No. 46585-K.)

LIBEL FILED: June 28, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 8, 1949, by the Clyde Canning Co., from Clyde, Ohio.

PRODUCT: 40 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Pittsburgh, Pa.

LABEL, IN PART: "Sunny-Crop Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 9, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15205. Adulteration of bread and rolls. U. S. v. Parkway Baking Co. and Richards J. Conly. Pleas of nolo contendere. Fines of \$102 against company and \$52 against individual. (F. D. C. No. 27485. Sample Nos. 13292-K, 13294-K, 13295-K.)

INFORMATION FILED: July 25, 1949, Eastern District of Pennsylvania, against the Parkway Baking Co., a corporation, Philadelphia, Pa., and Richards J. Conly, treasurer and general manager of the corporation.

ALLEGED SHIPMENT: On or about December 8, 1948, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Vienna White Luncheon Loaf * * * Seeded Hearth Baked Parkway's," "Parkway Twin-Pack" * * * Enriched for Better Nutrition," and "Parkway Parkettes 9 Rolls 10¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 22, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$102 against the corporation and a fine of \$52 against the individual.

15206. Adulteration of bread. U. S. v. Padula Baking Co., a corporation, and Andrew J. Padula. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 27487. Sample Nos. 4560-K, 5968-K, 5970-K, 5971-K.)

INFORMATION FILED: November 8, 1949, District of Massachusetts, against the Padula Baking Co., a corporation, Fitchburg, Mass., and Andrew J. Padula, treasurer.

ALLEGED SHIPMENT: On or about January 18 and February 2, 1949, from the State of Massachusetts into the State of New Hampshire.

LABEL, IN PART: "Country Style Vitamelk Bread," "Padula's Raisin Bread," or "Padula's Vienna Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 15, 1949. Pleas of guilty having been entered, each defendant was fined \$100.

CORN MEAL

15207. Adulteration of corn meal. U. S. v. Winchester Milling Corp. and Charles F. Coffman. Pleas of guilty. Corporation fined \$400 and individual defendant fined \$100. (F. D. C. No. 27492. Sample Nos. 40189-K, 40191-K.)

INFORMATION FILED: September 12, 1949, Western District of Virginia, against the Winchester Milling Corp., Winchester, Va., and Charles F. Coffman, president of the corporation.

ALLEGED SHIPMENT: On or about February 9 and March 9, 1949, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: "Crystal Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larvae, larval head capsules, insect fragments, mites, rodent excreta pellet fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 25, 1949. Pleas of guilty having been entered, the corporation was fined \$400 and the individual defendant was fined \$100.

15208. Adulteration of corn meal. U. S. v. 50 Bags * * *. (F. D. C. No. 27467. Sample No. 47155-K.)

LIBEL FILED: July 13, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 23, 1949, by the Nappanee Milling Co., Inc., from Nappanee, Ind.

PRODUCT: 50 100-pound bags of corn meal at Monessen, Pa.

LABEL, IN PART: "Nappanee Kiln Dried Yellow Granular Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: August 19, 1949. Default decree of condemnation and destruction.

15209. Adulteration of corn meal. U. S. v. 33 Bags * * *. (F. D. C. No. 27468. Sample No. 60502-K.)

LIBEL FILED: July 20, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 21, 1949, by Nappanee Milling Co., Inc., Nappanee, Ind.

PRODUCT: 33 100-pound bags of corn meal at Chicago, Ill.

LABEL, IN PART: "Nappanee Kiln Dried Yellow Cream Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

15210. Adulteration of yellow corn meal. U. S. v. 31 Bales * * *. (F. D. C. No. 27472. Sample Nos. 42898-K, 42899-K.)

LIBEL FILED: July 13, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about May 25 and June 17, 1949, by the Nappanee Milling Co., Inc., from Nappanee, Ind.

PRODUCT: 31 bales, each containing 10 5-pound bags, of yellow corn meal at Coldwater, Mich.

LABEL, IN PART: "Defiance Corn Meal Yellow."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: September 12, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

FLOUR

15211. Adulteration of flour. U. S. v. Reid H. Sheaffer (Lime Valley Mills). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 27494. Sample No. 13095-K.)

INFORMATION FILED: August 3, 1949, Eastern District of Pennsylvania, against Reid H. Sheaffer, trading as Lime Valley Mills, Willow Street, Pa.

ALLEGED SHIPMENT: On or about January 19, 1949, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Soft Winter Wheat Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 22, 1949. A plea of nolo contendere having been entered, the defendant was fined \$100.

15212. Adulteration of phosphated flour. U. S. v. Dick L. Morris (South West Milling Co.). Plea of nolo contendere. Sentence suspended. (F. D. C. No. 27498. Sample Nos. 27581-K, 27582-K.)

INFORMATION FILED: August 5, 1949, Western District of Missouri, against Dick L. Morris, trading as the South West Milling Co., South West City, Mo.

ALLEGED SHIPMENT: On or about November 4 and 8, 1948, from the State of Missouri into the States of Oklahoma and Arkansas.

LABEL, IN PART: "Golden Crown High Patent Phosphated White Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of beetles, insect fragments, and larval cast skins; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1949. A plea of nolo contendere having been entered, imposition of sentence was suspended.

15213. Adulteration of flour. U. S. v. 650 Bags * * *. (F. D. C. No. 27462. Sample No. 42275-K.)

LIBEL FILED: July 18, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 16, 1949, by La Grange Mills, from Red Wing, Minn.

PRODUCT: 650 100-pound bags of flour at Chicago, Ill.

LABEL, IN PART: "Bleached Flour Old Glory."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 27, 1949. The La Grange Mills, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be denatured and converted into stock feed, under the supervision of the Federal Security Agency.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

15214. Adulteration of barley. U. S. v. 8 Bags * * *. (F. D. C. No. 27211. Sample No. 3494-K.)

LIBEL FILED: May 16, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about December 22, 1948, from Chicago, Ill.

PRODUCT: 8 100-pound bags of barley at Baltimore, Md., in possession of Frey & Son, Inc.,

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1949. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, conditioned that the product be denatured and used as animal feed.

15215. Adulteration of popcorn. U. S. v. 10 Bags * * *. (F. D. C. No. 27453. Sample No. 51472-K.)

LIBEL FILED: On or about July 15, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about May 31, 1949, by J. W. Bond, from Henderson, Ky.

PRODUCT: 10 100-pound bags of popcorn at Shelburn, Ind.

LABEL, IN PART: "S. W. Popcorn * * * 100% Hybrid."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

DISPOSITION: August 8, 1949. Default decree of forfeiture and destruction.

15216. Adulteration of rice. U. S. v. 25 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 27452, 27457. Sample Nos. 34608-K, 34609-K.)

LIBELS FILED: July 5 and 11, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about October 23, 1949, from Houston, Tex., and December 3, 1948, from Crowley, La.

PRODUCT: 210 100-pound bags of rice at San Francisco, Calif., in possession of the Golden Gate Grocery Co. Warehouse.

* See also No. 15244.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 24, 1949. The Golden Gate Grocery Co. Warehouse, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation of the unfit portion for use as stock or poultry feed, under the supervision of the Food and Drug Administration.

Salvaging operations resulted in the segregation of 121 100-pound bags that were fit for human consumption; 87 100-pound bags were denatured with fish oil and sold for use as animal feed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, No. 15217; that was below the legal standard for milk fat content, Nos. 15218 to 15220; and that was short of the declared weight, Nos. 15220 and 15221.

15217. Adulteration of butter. U. S. v. 1 Case, etc. (F. D. C. No. 27364. Sample Nos. 43941-K, 43976-K.)

LIBEL FILED: October 12, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 13 and 16, 1948, by the Beatrice Foods Co., Blue Valley Division, from Louisville, Ky.

PRODUCT: 10 cases, each containing 32 1-pound cartons and each carton containing 4 ¼-pound prints, of butter at Muncie, Ind.

LABEL, IN PART: "Meadow Gold Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments, including the fragments of flies; and Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 8, 1949. Default decree of forfeiture and destruction.

15218. Adulteration and misbranding of butter. U. S. v. 17 Boxes (2,048 pounds) * * * (and 1 other seizure action). (F. D. C. Nos. 27367, 27368. Sample Nos. 44780-K, 45101-K.)

LIBELS FILED: On or about May 2 and 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about April 13 and 30, 1949, by the Golden Valley Creamery, from Park River, N. Dak.

PRODUCT: 32 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Hunter, Walton & Co. 950 New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the article was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

DISPOSITION: May 23, 1949. Hunter, Walton & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

15219. Adulteration of butter. U. S. v. 14 Boxes (910 pounds) * * *.
(F. D. C. No. 27366. Sample Nos. 13508-K, 25800-K.)

LIBEL FILED: April 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 22, 1949, by the Stockholm Creamery, from Stockholm, S. Dak.

PRODUCT: 14 65-pound boxes of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co. 2243 Phila. Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent of milk fat had been substituted for butter.

DISPOSITION: May 4, 1949. C. G. Heyd & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The product was subsequently reworked so that it would contain the proper amount of milk fat.

15220. Adulteration and misbranding of butter. U. S. v. Mountain States Creamery Co. of Colorado. Plea of guilty. Fine, \$400. (F. D. C. No. 27490. Sample Nos. 29263-K, 29264-K, 29271-K.)

INFORMATION FILED: July 19, 1949, District of Colorado, against the Mountain States Creamery Co. of Colorado, a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about April 19 and 22 and May 10, 1949, from the State of Colorado into the States of Wyoming and Nevada.

LABEL, IN PART: "One Pound Mountain Maid Butter" and "2 Lbs. Net When Packed Butter Patties Mountain States Distributing Co., Denver, Colorado."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. The cartons containing the article contained less than the declared amount.

Adulteration, Section 402 (b) (1), a valuable constituent had been in part omitted from a portion of the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter, in a portion of the article.

DISPOSITION: August 8, 1949. A plea of guilty having been entered, the court imposed a fine of \$400.

15221. Misbranding of butter. U. S. v. 20 Cases * * *. (F. D. C. No. 27365. Sample No. 29263-K.)

LIBEL FILED: April 21, 1949, District of Nevada.

ALLEGED SHIPMENT: On or about April 20, 1949, by the Mountain States Creamery Co., from Denver, Colo.

PRODUCT: 20 cases, each containing 20 2-pound cartons, of butter at Las Vegas, Nev.

LABEL, IN PART: (Carton) "2 Lbs. Net When Packed Butter Patties 72 Individual Servings."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was false and misleading since the cartons did not contain 2 pounds of the article as labeled, but contained less than 2 pounds; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: May 20, 1949. The Mountain States Distributing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for re-labeling, under the supervision of the Federal Security Agency.

MISCELLANEOUS DAIRY PRODUCTS

15222. Adulteration of Biolac. U. S. v. 227 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27373, 27374. Sample Nos. 32802-K, 32803-K, 33984-K.)

LIBELS FILED: May 24, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about March 18, 1949, by Borden & Co., from Elgin, Ill.

PRODUCT: 252 cases, each containing 12 13-ounce cans, of Biolac at San Francisco, Calif.

LABEL, IN PART: "Biolac New Improved Modified Milk For Infants."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 8, 1949. Default decrees of condemnation and destruction.

15223. Adulteration of Provoloni cheese. U. S. v. 8 Cases, etc. (F. D. C. No. 27413. Sample No. 6598-K.)

LIBEL FILED: June 10, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about October 18 and 28, 1948, from Trinidad, Colo.

PRODUCT: Provoloni cheese. 8 cases, each containing 12 cheeses, plus 40 individual cheeses, at Rochester, N. Y.

LABEL, IN PART: (Cases) "Net 104 Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent-gnawed cheeses and rodent pellets. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 25, 1949. The Colorado Cheese Co., Inc., Trinidad, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The cheeses were examined, and those with slight rodent-gnawings were trimmed. A total of 482 pounds of cheese was satisfactorily reconditioned; and a total of 440 pounds of trimmings, together with 48 whole cheeses which were not salvageable, were destroyed.

FISH AND SHELLFISH

15224. Adulteration of canned sardines. U. S. v. 185 Cases * * *. (F. D. C. No. 27435. Sample No. 42912-K.)

LIBEL FILED: June 28, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about September 27, 1948, from Lubec, Maine.

PRODUCT: 185 cases, each containing 100 3¼-ounce cans, of sardines at Fort Wayne, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed sardines. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 12, 1949. Default decree of condemnation and destruction.

15225. Adulteration of frozen tullibees. U. S. v. 179 Boxes * * *. (F. D. C. No. 27384. Sample Nos. 15434-K, 16997-K.)

LIBEL FILED: May 25, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about May 2, 1949, by Fred Wilner, Inc., from Chicago, Ill.

PRODUCT: 179 boxes, containing a total of approximately 22,317 pounds, of frozen tullibees at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: August 11, 1949. Default decree of condemnation and destruction.

15226. Misbranding of canned oysters. U. S. v. 149 Cases * * *. (F. D. C. No. 27123. Sample No. 53686-K.)

LIBEL FILED: May 9, 1949, Southern District of Alabama.

ALLEGED SHIPMENT: On or about April 4, 1949, by Morgan City Canning Co., Inc., from Houma, La.

PRODUCT: 149 cases, each containing 48 4⅔-ounce cans, of oysters at Bayou La Batre, Ala.

LABEL, IN PART: "Pelican Brand Cove Oysters."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned oysters, and the label failed to bear a statement that it fell below the standard.

DISPOSITION: July 14, 1949. Morgan City Canning Co., Inc., claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES**DRIED FRUIT***

15227. Adulteration of dried figs. U. S. v. 560 Cases * * * (and 1 other seizure action). (F. D. C. No. 27425. Sample Nos. 42755-K, 42759-K.)

LIBELS FILED: July 5 and 7, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 21, 1947, from Fresno, Calif.

PRODUCT: 870 60-pound cases of dried figs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 12, 1949. Default decrees of condemnation and destruction.

15228. Adulteration of dried peaches. U. S. v. 1,164 Cases * * *. (F. D. C. No. 26600. Sample No. 33645-K.)

LIBEL FILED: February 16, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about January 11, 1949, by Hunt Foods, Inc., Guggenhime Div., from Stockton, Calif.

PRODUCT: 1,164 30-pound cases of dried peaches at New York, N. Y.

LABEL, IN PART: "Mission Brand Choice Dried Recleaned Nuir Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: April 20, 1949. Hunt Foods, Inc., Guggenhime Div., Fresno, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be sorted, reconditioned, and recleaned, and that the portion of the product found to be unfit after completion of such operations, be destroyed. A total of 21,968 pounds of the product was salvaged from the lot of 34,860 pounds seized.

15229. Adulteration of dried peaches. U. S. v. 60 Boxes * * *. (F. D. C. No. 27304. Sample No. 2112-K.)

LIBEL FILED: June 6, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about May 4, 1949, by the Kent Food Co., Div. of S. Schaffer Grocery Corp., from New York, N. Y.

PRODUCT: 60 25-pound boxes of dried peaches at Washington, D. C.

LABEL, IN PART: "Varigrade Dried Peaches Phoenix Packing Co., San Francisco, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 13, 1949. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use, and not for sale.

*See also No. 15244.

15230. Adulteration of prunes. U. S. v. 149 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26956, 26998. Sample Nos. 33850-K, 34149-K.)

LIBELS FILED: March 29 and April 14, 1949, District of Puerto Rico.

ALLEGED SHIPMENT: On or about February 17 and March 16, 1949, by the Valley View Packing Co., from San Jose, Calif.

PRODUCT: 348 cases, each containing 24 1-pound packages, of prunes at San Juan, P. R.

LABEL, IN PART: "Valley View Large Santa Clara Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 8, 1949. The Valley View Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered. The decrees provided that the product might be released under bond on condition that it be converted into stock feed or fertilizer, or utilized, in the manufacture of alcohol by process of fermentation and distillation. On October 5, 1949, the claimant having been unable to dispose of the product in compliance with the conditions of the decree, supplementary decrees were entered, on motion of the claimant, ordering the product destroyed.

JELLY AND PRESERVES

15231. Misbranding of grape jelly. U. S. v. 22 Cases * * *. (F. D. C. No. 27443. Sample No. 53726-K.)

LIBEL FILED: June 29, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 16, 1949, by Fruit Center, Inc., from Jacksonville, Tex.

PRODUCT: 22 cases, each containing 24 6-ounce jars, of grape jelly at New Orleans, La. Analysis showed that the product contained little or no grape juice.

LABEL, IN PART: "Southern Charm Pure Grape Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for grape jelly. (The article had been made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard.)

DISPOSITION: August 5, 1949. Default decree of condemnation and destruction.

15232. Misbranding of strawberry preserves. U. S. v. 1,296 Cases * * *. (F. D. C. No. 27427. Sample Nos. 50615-K, 50618-K.)

LIBEL FILED: June 23, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about May 31, 1949, by Vanguard, Inc., from Portland, Oreg.

PRODUCT: 1,296 cases, each containing 24 1-pound jars, of strawberry preserves at Seattle, Wash.

LABEL, IN PART: (Jar) "Portland, Oregon. Pure Preserves Net Contents One Pound Strawberry."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short weight.)

DISPOSITION: August 9, 1949. The United States National Bank of Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

VEGETABLES AND VEGETABLE PRODUCTS

15233. Adulteration of canned corn. U. S. v. 960 Cases * * *. (F. D. C. No. 27478. Sample No. 46299-K.)

LIBEL FILED: July 19, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 26 and June 10, 1949, by the Clarksville Canning Co., from Clarksville, Iowa.

PRODUCT: 960 cases, each containing 24 1-pound, 4-ounce cans, of corn at St. Louis, Mo.

LABEL, IN PART: (Can) "Our Value Brand Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: August 17, 1949. Default decree of condemnation and destruction.

15234. Adulteration of canned corn. U. S. v. 228 Cases * * *. (F. D. C. No. 27421. Sample No. 47716-K.)

LIBEL FILED: June 15, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about March 28, 1949, by the Bridgewater Canning Co., from Bridgewater, Va.

PRODUCT: 228 cases, each containing 24 1-pound, 4-ounce cans, of corn at Beckley, W. Va.

LABEL, IN PART: (Can) "Shenvalee Brand Whole Grain Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm fragments.

DISPOSITION: August 18, 1949. Default decree of condemnation. The court ordered that the product be delivered to a State institution, for use as hog feed.

15235. Adulteration of canned corn. U. S. v. 198 Cases * * *. (F. D. C. No. 27415. Sample No. 42256-K.)

LIBEL FILED: June 16, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 2, 1949, by Stokely-Van Camp, Inc., from West Jefferson, Ohio.

PRODUCT: 198 cases, each containing 6 6-pound, 7-ounce cans, of corn at Chicago, Ill.

LABEL, IN PART: "Obee Golden Cream Style Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: September 21, 1949. Default decree of condemnation and destruction.

15236. Adulteration and misbranding of canned spinach. U. S. v. 155 Cases * * *. (F. D. C. No. 27371. Sample No. 39676-K.)

LIBEL FILED: On or about May 25, 1949, Western District of Texas.

ALLEGED SHIPMENT: On or about March 11, 1949, by the Sallisaw Canning Co., from Sallisaw, Okla.

PRODUCT: 155 cases, each containing 24 1-pound, 11-ounce cans, of spinach at El Paso, Tex.

LABEL, IN PART: "Emerald Bay Brand Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned spinach since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: July 5, 1949. Default decree of condemnation and destruction.

15237. Misbranding of pickles and relish. U. S. v. 99 Cases, etc. (F. D. C. No. 27184. Sample Nos. 8431-K to 8434-K, incl.)

LIBEL FILED: May 5, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about February 18 and March 10 and 24, 1949, by Walbeck Foods, from Philadelphia, Pa.

PRODUCT: 99 cases, each containing 24 8-ounce jars, of pickles; 24 cases, each containing 24 1-pint jars, of gherkins; 99 cases, each containing 12 1-quart jars, of pickles; and 89 cases, each containing 24 8-ounce jars, of relish at South Kearny, N. J.

LABEL, IN PART: (Jar) "Walbeck * * * Pickles [or "India Relish" or "Dill Pickles"]" or "Picknick Preserved Sweet Gherkins."

NATURE OF CHARGE: Misbranding, Section 403 (k), the products contained a chemical preservative, sodium benzoate, and they failed to bear labels stating that fact.

DISPOSITION: June 22, 1949. Walter C. Becker, trading as Walbeck Foods, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be repacked or relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS*

15238. Misbranding of canned peeled tomatoes. U. S. v. 1,250 Cases * * *. (F. D. C. No. 26398. Sample No. 11079-K.)

LIBEL FILED: January 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 30, 1948, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 1,250 cases, each containing 24 cans, of peeled tomatoes, at New York, N. Y.

LABEL, IN PART: (Can) "Carmelo Brand Italian Style Peeled Tomatoes Contents 1 Lb. 12 Oz. Avoir."

*See also Nos. 15202-15204.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short weight.)

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned tomatoes since the fill of the container was less than 90 percent of the total capacity of the container as determined by the method prescribed in the standard, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: February 21, 1949. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and relabeling, under the supervision of the Federal Security Agency. The segregation operations resulted in the release of 622 cases as having the correct weight. The remainder of the product was relabeled, with the exception of 18 cans of rejects which were destroyed.

15239. Adulteration of tomato catsup. U. S. v. Fettig Canning Corp. Plea of guilty. Fine, \$750. (F. D. C. No. 27482. Sample Nos. 2566-K, 7895-K, 20586-K, 25642-K, 25643-K, 46215-K, 46218-K.)

INFORMATION FILED: September 26, 1949, Southern District of Indiana, against the Fettig Canning Corp., Elwood, Ind.

ALLEGED SHIPMENT: On or about October 18, November 13, 19, and 30, and December 6, 1948, from the State of Indiana into the States of West Virginia, Pennsylvania, Nebraska, Iowa, and Missouri.

LABEL, IN PART: "Mary's Choice Tomato Catsup Packed by Fettig Canning Corp.," "Sweet Home Tomato Catsup * * * Distributed by Krenning-Schlapp Gro. Co. St. Louis, Mo.," or "Conrad's Darnoc Brand Tomato Catsup Packed for J. F. Conrad Grocer Company, Saint Louis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 23, 1949. A plea of guilty having been entered, the corporation was fined \$750.

15240. Adulteration of tomato puree. U. S. v. Mays Packing Co., Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 27486. Sample Nos. 44324-K, 44327-K, 44390-K.)

INFORMATION FILED: September 26, 1949, Southern District of Indiana, against Mays Packing Co., Inc., Mays, Ind.

ALLEGED SHIPMENT: Between the approximate dates of July 1 and November 26, 1948, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Portion) "A-Mays-U Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 23, 1949. A plea of guilty having been entered, the defendant was fined \$750.

OILS AND FATS

15241. Adulteration and misbranding of salad oil. U. S. v. Roma Packing Co. and Richard Catalanotti. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 26348. Sample Nos. 5005-K, 6132-K.)

INFORMATION FILED: July 1, 1949, District of Massachusetts, against the Roma Packing Co., a partnership, Boston, Mass., and Richard Catalanotti, a partner.

ALLEGED SHIPMENT: On or about November 13 and December 5, 1947, from the State of Massachusetts into the States of Rhode Island and Ohio.

LABEL, IN PART: "Casa Mia Brand 80% Peanut Oil 20% Imported Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the article; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear to be a product containing substantial amounts of olive oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label statement "20% Imported Olive Oil" was false and misleading since the product contained little, if any, olive oil.

DISPOSITION: November 8, 1949. Pleas of guilty having been entered, each defendant was fined \$100.

15242. Adulteration of olive oil. U. S. v. 76 Cases * * *. (F. D. C. No. 27297. Sample No. 10880-K.)

LIBEL FILED: June 3, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about March 18, 1949, by Musco & Co., from Orland, Calif.

PRODUCT: 76 cases, each containing 6 cans, of olive oil at Bronx, N. Y.

LABEL, IN PART: (Can) "Contents 1 Gallon Cerva Brand Nusco Pure Olive Oil."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short volume.)

DISPOSITION: July 13, 1949. Joseph Avena, Bronx, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be repacked, refilled, or emptied and sold as bulk oil under proper labeling, under the supervision of the Federal Security Agency.

15243. Adulteration of poultry feed oil. U. S. v. 8 Drums * * *. (F. D. C. No. 27424. Sample No. 38007-K.)

LIBEL FILED: June 16, 1949, District of Kansas.

ALLEGED SHIPMENT: On or about October 26, 1948, by the Riley Feed Co., from Kansas City, Mo.

PRODUCT: 8 55-gallon unlabeled drums of poultry feed oil at Wichita, Kans. The product was invoiced as "Straight Vitamin A Oil 3800 U. S. P. Units of Vitamin A Per Gram."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin A, had been in part omitted. Examination showed that the article was 40 percent deficient in vitamin A.

DISPOSITION: October 10, 1949. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

15244. Adulteration of shrimp sauce, shrimp noodles, seedless apricots, and preserved plums. U. S. v. How Kee Co., a partnership, and Man How Yee. Pleas of guilty. Partnership fined \$5; individual defendant fined \$250. (F. D. C. No. 26717. Sample Nos. 32312-K, 34061-K to 34064-K, incl.)

INFORMATION FILED: August 4, 1949, Northern District of California, against How Kee Co., a partnership, San Francisco, Calif., and Man How Yee, a partner.

ALLEGED VIOLATION: On or about April 23 and May 28, 1948, the defendant received in interstate commerce at San Francisco, Calif., from Hongkong, China, quantities of adulterated shrimp sauce, shrimp noodles, seedless apricots, and preserved plums, and delivered them for pay within the period from September 2 to November 4, 1948, to persons unknown.

LABEL, IN PART: "Shrimp Sauce Made in Hongkong Yuen Hing Loong Canned Goods Manufacturers * * * Hong Kong," "Shrimps Ovule Noodle Made in Hong Kong China Products Co. * * * West Hong Kong," "Seedless Apricots Made From Salt Apricots Liquorice Roots and Sugar Wong Wing Kee * * * Hong Kong, China," and "Wong Wing Kee Preserved Plum * * * Hong Kong, China * * * Made from Salt Plum Liquorice Root Sugar and Orange Peel."

NATURE OF CHARGE: Shrimp sauce. Adulteration, Section 402 (a) (2), the product contained an added deleterious substance, salicylic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

Shrimp noodles. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

Seedless apricots and preserved plums. Adulteration, Section 402 (b) (2), saccharin, had been substituted in part for products of the composition declared on the labels.

DISPOSITION: August 31, 1949. Pleas of guilty having been entered, the partnership was fined \$5 and the individual defendant was fined \$250.

15245. Adulteration of chili peppers. U. S. v. 87 Bags * * *. (F. D. C. No. 27416. Sample No. 57895-K.)

LIBEL FILED: June 10, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about December 21 and 24, 1946, from Mexico.

PRODUCT: 87 130-pound bags of chili peppers at Garden Grove, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 18, 1949. Default decree of condemnation and destruction.

15246. Adulteration of ground chili pods. U. S. v. 10 Boxes * * *. (F. D. C. Nos. 27209, 27210. Sample Nos. 58111-K, 58116-K.)

LIBEL FILED: May 11, 1949, District of Arizona.

ALLEGED SHIPMENT: On or about March 8 and 9, 1949, by F. C. Barker & Co., from Mesilla Park, N. Mex.

PRODUCT: 10 boxes, each containing 2 12½-pound bags, of ground chili pods at Prescott and Clarkdale, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and insect excreta.

DISPOSITION: June 23, 1949. Default decree of condemnation and destruction.

15247. Adulteration and misbranding of black pepper. U. S. v. 19 Canisters
* * *. (F. D. C. No. 27476. Sample No. 22724-K.)

LIBEL FILED: July 15, 1949, Northern District of Alabama.

ALLEGED SHIPMENT: On or about May 16, 1949, by the Food Trading Corp. of America, from Brooklyn, N. Y.

PRODUCT: 19 1-pound canisters of black pepper at Huntsville, Ala.

LABEL, IN PART: "Maison Royal Brand Pure Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), salt and ground foreign hulls had been substituted in part for black pepper.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading as applied to the article, which consisted of pepper, with salt and ground foreign hulls added.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS FOODS

15248. Adulteration of Whetlerite (activated charcoal). U. S. v. 1,540 Bags
* * *. (F. D. C. No. 27068. Sample No. 46663-K.)

LIBEL FILED: April 26, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 19, 1948, by the War Assets Administration Warehouse Dept., from Detroit, Mich., for the Michlin Chemical Co.

PRODUCT: 1,540 bags of Whetlerite at Mars, Pa. The Michlin Chemical Co. had advised the consignee that the material was suitable for use in water purification and chicken feeding. The product was activated charcoal containing added copper salts equivalent to from 4.8 percent to 5.3 percent copper.

The product represented subdistributed stocks, declared surplus by the War Assets Administration Warehouse Dept., which originally had been prepared for use in gas masks, by the Chemical Warfare Service.

LABEL, IN PART: "Pittsburgh * * * Whetlerite Net Dry Wt. 50 Pounds
* * * The Barneby-Cheney Engineering Co. * * * Columbus 3, Ohio.
12/20 AS Type Charcoal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product bore or contained an added poisonous or deleterious substance, copper, which may render it injurious to health.

DISPOSITION: May 23, 1949. Default decree of condemnation and destruction.

15249. Adulteration of Whetlerite (activated charcoal). U. S. v. 63 Bags
* * *. (F. D. C. No. 27051. Sample No. 42345-K.)

LIBEL FILED: April 19, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 9, 1948, by the Michlin Chemical Co., Wagon Works, Ohio.

PRODUCT: 63 50-pound bags of Whetlerite (activated charcoal) at Washington, Mich.

LABEL, IN PART: "Pittsburgh * * * Whetlerite * * * The Barneby-Cheney Engineering Co. * * * Columbus 3, Ohio 12/20 As Type Charcoal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, copper, which may render it injurious to health. (The product was in possession of a feed dealer, and sales of this material had been made for chicken feeding.)

DISPOSITION: July 27, 1949. Default decree of condemnation and destruction.

15250. Adulteration of B & G Brand Stabilizer. U. S. v. 1 Drum * * *. (F. D. C. No. 27081. Sample No. 44640-K.)

LIBEL FILED: May 3, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about April 11, 1949, by Billings & Gage Mfg. Co., from Mitchellville, Iowa.

PRODUCT: 1 100-pound drum of B & G Brand Stabilizer at Minneapolis, Minn.

LABEL, IN PART: "B & G Brand Stabilizer 'F' * * * For Making Stabilizing Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: July 12, 1949. A default decree was entered, providing for the destruction of the article unless properly denatured and disposed of for use as animal feed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15201 TO 15250

PRODUCTS

	N. J. No.		N. J. No.
Apricots, seedless-----	15244	Fats. <i>See</i> Oils and fats.	
B & G Brand Stabilizer-----	15250	Figs, dried-----	15227
Bakery products-----	15205, 15206	Fish and shellfish-----	15224-15226
Barley -----	15214	Flavors. <i>See</i> Spices, flavors, and seasoning materials.	
Beer, imitation, miniature bottles of-----	15201	Flour-----	15211-15213
Beverages-----	15201-15204	Fruits and vegetables-----	15202- 15204, 15227-15240, 15244
Biolac-----	15222	fruit, dried-----	15227-15230, 15244
Bread and rolls-----	15205, 15206	jelly and preserves----	15231, 15232
Butter-----	15217-15221	tomatoes and tomato prod- ucts-----	15202-15204, 15238-15240
Catsup, tomato-----	15239	vegetables and vegetable prod- ucts-----	15233-15237
Cereals and cereal products----	15205- 15216, 15244	Grape jelly-----	15231
Charcoal, activated-----	15248, 15249	Jelly, grape-----	15231
Cheese, Provoloni-----	15223	Noodles, shrimp-----	15244
Chili peppers-----	15245	Oils and fats-----	15241-15243
pod, ground-----	15246	Olive oil-----	15242
Corn, canned-----	15233-15235		
meal-----	15207-15210		

	N. J. No.		N. J. No.
Oysters, canned	15226	Shellfish. <i>See</i> Fish and shell-	
Peaches, dried	15228, 15229	fish.	
Pepper, black	15247	Shrimp noodles and shrimp	
Peppers, chili	15245	sauce	15244
Phosphated flour	15212	Spices, flavors, and seasoning	
Pickles	15237	materials	15244-15247
Plums, preserved	15244	Spinach, canned	15236
Popcorn	15215	Stabilizer, B & G Brand	15250
Poultry feed oil	15243	Strawberry preserves	15232
Preserves, strawberry	15232	Tomato(es), canned	15238
Provoloni cheese	15223	catsup	15239
Prunes	15230	juice	15202-15204
Relish	15237	puree	15240
Rice	15216	Tullibeas, frozen	15225
Rolls. <i>See</i> Bread and rolls.		Vegetables. <i>See</i> Fruits and	
Salad oil	15241	vegetables.	
Sardines, canned	15224	Whetlerite (activated char-	
		coal)	15248, 15249

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Barker, F. C., & Co.:		Conrad, J. F., Grocer Co.:	
ground chili pods	15246	tomato catsup	15239
Barneby-Cheney Engineering Co.:		Doane Canning Co.:	
Whetlerite (activated char-		tomato juice	15202
coal)	15248, 15249	Fettig Canning Corp.:	
Beatrice Foods Co., Blue Valley		tomato catsup	15239
Div.:		Flotill Products, Inc.:	
butter	15217	canned peeled tomatoes	15238
Billings & Gage Mfg. Co.:		Food Trading Corp. of America:	
B & G Brand Stabilizer	15250	black pepper	15247
Bond, J. W.:		Frey & Son, Inc.:	
popcorn	15215	barley	15214
Borden & Co.:		Fruit Center, Inc.:	
Biolac	15222	grape jelly	15231
Bridgewater Canning Co.:		Golden Gate Grocery Co. Ware-	
canned corn	15234	house:	
Catalanotti, Richard:		rice	15216
salad oil	15241	Golden Valley Creamery:	
China Products Co.:		butter	15218
shrimp noodles	15244	Heyd, C. G., & Co.:	
Clarksville Canning Co.:		butter	15219
canned corn	15233	How Kee Co.:	
Clyde Canning Co.:		shrimp sauce, shrimp noodles,	
tomato juice	15204	seedless apricots, and pre-	
Coffman, C. F.:		served plums	15244
corn meal	15207	Hunt Foods, Inc., Guggenhime	
Conly, R. J.:		Div.:	
bread and rolls	15205	dried peaches	15228
		Hunter, Walton & Co.:	
		butter	15218

	N. J. No.		N. J. No.
Kee, W. W.:		Padula Baking Co.:	
seedless apricots and preserved		bread -----	15206
plums-----	15244	Parkway Baking Co.:	
Kee, How, Co. <i>See</i> How Kee Co.		bread and rolls-----	15205
Kent Food Co., Div. of S. Schaf-		Phoenix Packing Co.:	
fer Grocery Corp.:		dried peaches-----	15229
dried peaches-----	15229	Riley Feed Co.:	
Krenning-Schlapp Gro. Co.:		poultry feed oil-----	15243
tomato catsup-----	15239	Roma Packing Co.:	
La Grange Mills:		salad oil-----	15241
flour -----	15213	Sallisaw Canning Co.:	
Lime Valley Mills. <i>See</i> Sheaf-		canned spinach-----	15236
fer, R. H.		Schaffer, S., Grocery Corp. <i>See</i>	
Loong, Y. H.:		Kent Food Co., Div. of S.	
shrimp sauce-----	15244	Schaffer Grocery Corp.	
Mays Packing Co., Inc.:		Sheaffer, R. H.:	
tomato puree-----	15240	flour-----	15211
Meeter's, Inc.:		South West Milling Co. <i>See</i>	
tomato juice-----	15203	Morris, D. L.	
Michlin Chemical Co.:		Stockholm Creamery:	
Whetlerite (activated char-		butter-----	15219
coal)-----	15248, 15249	Stokely-Van Camp, Inc.:	
Milwaukee Bottling Plant:		canned corn-----	15235
miniature bottles of imitation		Valley View Packing Co.:	
beer-----	15201	prunes -----	15230
Morgan City Canning Co., Inc.:		Vanguard, Inc.:	
canned oysters-----	15226	strawberry preserves-----	15232
Morris, D. L.:		Walbeck Foods:	
phosphated flour-----	15212	pickles and relish-----	15237
Mountain States Creamery Co.:		Wilner, Fred, Inc.:	
butter-----	15220, 15221	frozen tullibeas-----	15225
Musco & Co.:		Winchester Milling Corp.:	
olive oil-----	15242	corn meal-----	15207
Nappanee Milling Co., Inc.:		Yee, M. H.:	
corn meal-----	15208-15210	shrimp sauce, shrimp noodles,	
Padula, A. J.:		seedless apricots, and pre-	
bread -----	15206	served plums-----	15244



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

*Order from the Superintendent of Documents, United States Government Printing Office,
Washington 25, D. C.*

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15251-15300

FOODS

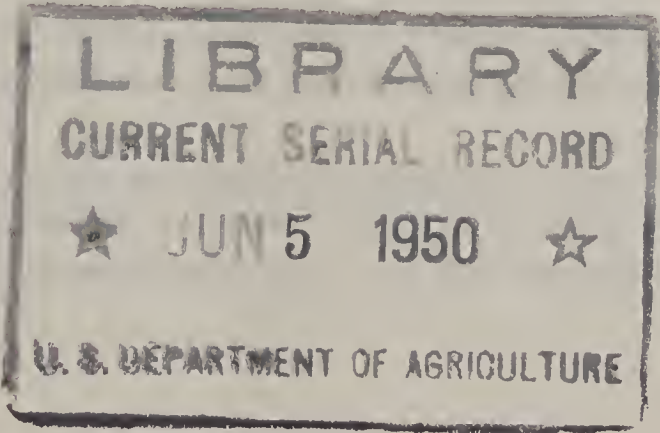
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 7, 1950.

CONTENTS

	Page		Page
Cereals and cereal products.....	732	Fruits and vegetables—Continued.	
Flour.....	732	Preserves.....	742
Miscellaneous cereals and cereal products.....	733	Vegetables and vegetable products.....	743
Dairy products.....	735	Tomatoes and tomato products..	744
Butter.....	735	Vitamin, mineral, and other products of special dietary significance.....	746
Eggs.....	737	Miscellaneous foods.....	748
Fish and shellfish.....	738	Index.....	749
Fruits and vegetables	740		
Canned fruit.....	740		
Dried fruit.....	742		



CEREALS AND CEREAL PRODUCTS**FLOUR**

Nos. 15251 to 15256 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, the fact is stated in the notice of judgment.)

15251. Adulteration of flour. U. S. v. 600 Bags * * *. (F. D. C. No. 27688. Sample No. 20081-K.)

LIBEL FILED: August 12, 1949, District of Nebraska.

ALLEGED SHIPMENT: On or about July 5, 1949, by the Waggoner-Gates Milling Co., from Independence, Mo.

PRODUCT: 600 100-pound bags of flour at Omaha, Nebr.

LABEL, IN PART: "Howard Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 16, 1949. The Waggoner-Gates Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

15252. Adulteration of flour. U. S. v. 50 Bags * * *. (F. D. C. No. 27380. Sample No. 45111-K.)

LIBEL FILED: May 25, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about January 19, 1949, from Great Falls, Mont.

PRODUCT: 50 100-pound bags of flour at Ortonville, Minn., in possession of the Elektrik Maid Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 16, 1949. A default decree was entered providing for destruction of the product, unless properly denatured and disposed of as animal feed.

15253. Adulteration of flour. U. S. v. 18 Bags * * *. (F. D. C. No. 27363. Sample No. 56298-K.)

LIBEL FILED: June 30, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about April 2 and 14, 1949, from Walkersville, Md.

PRODUCT: 18 100-pound bags of flour at New York, N. Y., in possession of Lee & Lee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions

whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 22, 1949. Default decree of condemnation and destruction.

15254. Adulteration of phosphated flour and self-rising flour. U. S. v. 143 Bags, etc. (F. D. C. No. 27470. Sample Nos. 62050-K, 62051-K.)

LIBEL FILED: July 22, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 28, 1949, from Moundridge, Kans.

PRODUCT: 143 25-pound bags of phosphated flour and 133 25-pound bags of self-rising flour at Jonesboro, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the pressure of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 7, 1949. Default decree of condemnation and destruction.

15255. Adulteration of self-rising flour. U. S. v. 62 Bags * * *. (F. D. C. No. 27658. Sample No. 60711-K.)

LIBEL FILED: July 20, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 15, 1949, by the Moundridge Mill & Elevator Co., from Moundridge, Kans.

PRODUCT: 62 50-pound bags of self-rising flour at Trenton, Tenn.

LABEL, IN PART: "Pure Food * * * Bleached Flour * * * Enriched Self-Rising."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 29, 1949. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, to be converted for use other than for human consumption.

15256. Adulteration of rye flour. U. S. v. 34 Bags * * *. (F. D. C. No. 27702. Sample No. 60522-K.)

LIBEL FILED: September 2, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 14, 1949, from Watertown, Wis.

PRODUCT: 34 100-pound bags of rye flour at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15257. Adulteration of rice, U. S. v. 184 Bags * * *. (F. D. C. No. 27459. Sample No. 34607-K.)

LIBEL FILED: July 8, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about January 19, 1949, from New Orleans, La.

PRODUCT: 184 100-pound bags of rice at San Francisco, Calif., in possession of the Wing Sing Chong Co. Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 24, 1949. The Wing Sing Chong Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Of the 137 bags seized, 11 100-pound bags were salvaged as fit for human consumption. The remainder of the product was denatured with fish oil and sold for use as animal feed.

15258. Adulteration of rice. U. S. v. 80 Bags * * *. (F. D. C. No. 27678. Sample No. 57775-K.)

LIBEL FILED: August 4, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about October 20, 1948, from Houston, Tex.

PRODUCT: 80 100-pound bags of rice at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 25, 1949. Ann Niles, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of cleaning, under the supervision of the Federal Security Agency. In accordance with this decree, the product was run through the cleaning mill and the cleaned rice was packed in new bags. One hundred and thirty pounds of screenings obtained by this cleaning operation were denatured.

15259. Adulteration of rice. U. S. v. 45 Bags * * *. (F. D. C. No. 27692. Sample No. 57776-K.)

LIBEL FILED: August 12, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about January 11, 1949, from Houston, Tex.

PRODUCT: 45 100-pound bags of rice at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect excreta and larvae. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 18, 1949. The Royal Trading Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for cleaning, under the supervision of the Federal Security Agency. In accordance with the decree, the product was run through the cleaning mill and the cleaned rice was placed in new bags. Eighty-six pounds of screenings obtained from the cleaning operation were destroyed.

15260. Adulteration of Roman Meal (bakers mixture). U. S. v. 11 Bags * * *.
(F. D. C. No. 27699. Sample No. 14200-K.)

LIBEL FILED: August 24, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and June 1, 1949, from the State of Washington.

PRODUCT: 11 bags of Roman Meal (bakers mixture) at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

15261. Adulteration of bran. U. S. v. 30 Bags * * *. (F. D. C. No. 27698. Sample No. 60521-K.)

LIBEL FILED: August 24, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 19, 1949, from Minneapolis, Minn.

PRODUCT: 30 50-pound bags of bran at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

15262. Adulteration of biscuit mix. U. S. v. 20 Cases * * *. (F. D. C. No. 27634. Sample No. 1483-K.)

LIBEL FILED: August 8, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 15, 1947, from Chattanooga, Tenn.

PRODUCT: 20 cases, each containing 24 10-ounce packages, of biscuit mix at Durham, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **15263** and **15264**; that was below the legal standard for milk fat content, Nos. **15265** to **15267**; and that was short of the declared weight, No. **15268**.

15263. Adulteration of butter. U. S. v. 11 Cases * * *. (F. D. C. No. 27649. Sample No. 1470-K.)

LIBEL FILED: On June 30, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about May 26, 1949, by Land O'Lakes Creameries, Inc., from Minnesota Transfer, Minn.

PRODUCT: 11 cases, each containing 64 pounds, of butter at Greenville, S. C.

LABEL, IN PART: (Case) "Butter Unsalted Distributed by Land O'Lakes Creameries, Inc."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect and manure fragments and by reason of its having been made from filthy cream.

DISPOSITION: August 10, 1949. Default decree of condemnation and destruction.

15264. Adulteration of butter. U. S. v. 7 Cases * * *. (F. D. C. No. 27646. Sample No. 46728-K.)

LIBEL FILED: July 18, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 11, 1949, by the Tri-State Butter Co., from Cincinnati, Ohio.

PRODUCT: 7 cases, each containing 32 pounds, of butter at Monessen, Pa.

LABEL, IN PART: "Rich Pasture Creamery Butter * * * Packed by The Tri-State Butter Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed animal substance in that it was prepared from decomposed cream, and it consisted in part of a filthy substance due to the presence of fragments of flies and rodent hair fragments.

DISPOSITION: September 9, 1949. Default decree of condemnation and destruction.

15265. Adulteration and misbranding of butter. U. S. v. 51 Cartons (3,264 pounds) * * *. (F. D. C. No. 27650. Sample Nos. 11950-K, 11952-K.)

LIBEL FILED: June 24, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about June 9, 1949, by the Knoxville Dairy, from Knoxville, Iowa.

PRODUCT: 51 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by W. W. Elzea Inc. New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the article was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

DISPOSITION: July 6, 1949. The Knoxville Dairy, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

15266. Adulteration of butter. U. S. v. 61 Cartons (3,660 pounds) * * *. (F. D. C. No. 27648. Sample No. 11955-K.)

LIBEL FILED: June 28, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 15, 1949, by the Randalia Mutual Creamery Assn., from Randalia, Iowa.

PRODUCT: 61 cartons, each containing 60 pounds, of butter at Jersey City, N. J.

LABEL, IN PART: "The Great A & P Tea Co. New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 10, 1949. The Randalia Mutual Creamery Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

15267. Adulteration of whipped butter. U. S. v. 80 Cups * * *. (F. D. C. No. 27645. Sample No. 56616-K.)

LIBEL FILED: On or about July 12, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about June 30, 1949, by Mayflower Creamery Co., Inc., from Boston, Mass.

PRODUCT: 80 8-ounce cups of whipped butter at Hartford, Conn.

LABEL, IN PART: "Mayflower's Whipped Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 1, 1949. Default decree of condemnation. The court ordered that the product be distributed to charitable institutions.

15268. Misbranding of butter. U. S. v. 22 Cartons, etc. (F. D. C. No. 27647. Sample Nos. 19845-K, 19846-K.)

LIBEL FILED: April 20, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about April 4 and 11, 1949, from Knoxville, Tenn., by the Sugar Creek Creamery Co.

PRODUCT: 22 cartons, each containing 44 patties, and 70 boxes, each containing 12 cartons, of butter at Middlesboro, Ky.

LABEL, IN PART: "Sugar Creek Butter Country Patty 8 Oz. Net" and "Sugar Creek Butter 1 Lb. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article in the respective lots did not contain "8 Oz. Net" and "1 Lb. Net" as labeled since analysis showed that the article was short weight.

DISPOSITION: June 2, 1949. The Sugar Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, reprinting, and repacking, so that it would be brought into compliance with the law, under the supervision of the Federal Security Agency.

EGGS

15269. Adulteration of eggs. U. S. v. 27 Cases * * *. (F. D. C. No. 27693. Sample No. 58311-K.)

LIBEL FILED: August 12, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about July 27, 1949, by the Utah Poultry & Farmer's Co-operative, from Salt Lake City and other points in Utah.

PRODUCT: 27 cases each containing 30 dozen eggs at Los Angeles, Calif. Examination showed the presence of rotten and bloody eggs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, and it was otherwise unfit for food by reason of the presence of bloody eggs.

DISPOSITION: September 9, 1949. Default decree of condemnation and destruction.

15270. Adulteration of frozen whole eggs. U. S. v. 700 Cans * * *. (F. D. C. No. 27659. Sample Nos. 61304-K, 61305-K.)

LIBEL FILED: July 20, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 16 and June 28, 1949, by Wabash Frozen Foods, from Cedar Rapids, Iowa.

PRODUCT: 700 30-pound cans of frozen whole eggs at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: August 29, 1949. Wabash Frozen Foods, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was segregated by the claimant, with the result that 121 cans of eggs were classed as unfit and were destroyed.

15271. Adulteration of frozen whole eggs. U. S. v. 422 Cans * * *. (F. D. C. No. 27466. Sample No. 55340-K.)

LIBEL FILED: On or about July 14, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 2 and 14, 1949, by the Roberts Egg Products Co., from Kansas City, Kans.

PRODUCT: 422 30-pound cans of frozen whole eggs at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: July 19, 1949. Glen Roberts having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. A total of 73 cans of the product were segregated as unfit and were destroyed.

15272. Adulteration of frozen whole eggs. U. S. v. 29 Cans * * *. (F. D. C. No. 27293. Sample Nos. 11462-K, 11463-K.)

LIBEL FILED: May 31, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about May 21 and August 27, 1948, from New York, N. Y.

PRODUCT: 29 cans, each containing 30 pounds, of frozen whole eggs at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 25, 1949. Default decree of condemnation and destruction.

FISH AND SHELLFISH

15273. Adulteration of whitefish. U. S. v. 22 Boxes * * *. (F. D. C. No. 27665. Sample No. 41863-K.)

LIBEL FILED: July 29, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 19, 1949, by the Hamilton Fish Co., from Detroit, Mich.

PRODUCT: 22 60-pound boxes of whitefish at Chicago, Ill.

LABEL, IN PART: "Gateway Fisheries Ltd Product of Canada * * * Dressed Great Slave Lake Whites," "Alaska Fisheries Product of Canada 60 Lbs. Net Dr Whitefish," or "Haviriko Bros. A. F. Whites."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 12, 1949. Default decree of condemnation and destruction.

15274. Adulteration of frozen flounder. U. S. v. 191 Cartons * * *. (F. D. C. No. 27657. Sample No. 54121-K.)

LIBEL FILED: July 21, 1949, Southern District of Alabama.

ALLEGED SHIPMENT: On or about July 1, 1949, by the Independent Fish Co., from Gloucester, Mass.

PRODUCT: 191 10-pound cartons of frozen flounder at Mobile, Ala.

LABEL, IN PART: (Portion) "Cello Flounder 10 Lb. Net Weight Cover Ind. Fish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: September 9, 1949. Default decree of condemnation and destruction.

15275. Adulteration of frozen tullibees. U. S. v. 15 Boxes * * *. (F. D. C. No. 26587. Sample No. 9512-K.)

LIBEL FILED: February 14, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about January 26, 1949, by Lake St. Peter Fisheries, Ltd., from Montreal, Canada.

PRODUCT: 15 125-pound boxes of frozen tullibees at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: November 14, 1949. Default decree of condemnation and destruction.

15276. Misbranding of canned salmon. U. S. v. 79 Cases * * *. (F. D. C. No. 27067. Sample Nos. 16898-K, 16933-K.)

LIBEL FILED: April 26, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 4, 1948, by the C. F. Buelow Co., from Seattle, Wash.

PRODUCT: 79 cases, each containing 48 7¾-ounce cans, of salmon at Milwaukee, Wis. Examination showed that some cans contained chum salmon and that others contained pink salmon.

LABEL, IN PART: "Silver Bright Brand Medium Red Cohoe Salmon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Medium Red Cohoe Salmon" was false and misleading as applied to an article consisting of chum salmon or pink salmon.

DISPOSITION: August 23, 1949. The C. F. Buelow Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

15277. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (and 1 other seizure action). (F. D. C. Nos. 27643, 27644. Sample Nos. 40199-K, 40200-K.)

LIBELS FILED: July 5, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about June 29, 1949, by the Neuse Crab & Oyster Co., from Oriental, N. C.

PRODUCT: 6 barrels, containing a total of 625 1-pound cans, of crab meat at Baltimore, Md. Analyses showed that the product was contaminated with *E. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 1, 1949. The Neuse Crab & Oyster Co. having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be destroyed.

15278. Adulteration of crab meat. U. S. v. 1 Barrel, etc. (and 1 other seizure action). (F. D. C. Nos. 27640, 27641. Sample Nos. 40446-K, 47611-K.)

LIBELS FILED: July 1 and 5, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about June 28 and 29, 1949, by the G. L. Whorton Co., from Oriental, N. C.

PRODUCT: Crab meat. 4 barrels, containing a total of 339 1-pound cans, and 1 box, containing 50 1-pound cans, at Baltimore, Md. Analysis showed that the product was contaminated with *E. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 28, 1949. The G. L. Whorton Co. having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

15279. Adulteration and misbranding of canned cherries. U. S. v. 61 Cases
* * *. (F. D. C. No. 27582. Sample No. 50647-K.)

LIBEL FILED: July 22, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: On or about October 17, 1946, by the Welch Fruit Products Co., from Chicago, Ill.

PRODUCT: 61 cases, each containing 6 cans, of cherries at Yakima, Wash.

LABEL, IN PART: (Can) "Welch's Crushed Bing Cherries Maraschino Flavor
* * * Contents 8 Pounds."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a deleterious substance, broken cherry pits, which might have rendered it injurious to health; and, Section 402 (a) (3), it consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was in part decomposed, contained an excessive amount of broken pits, and was short of the declared weight, "8 pounds.")

DISPOSITION: October 10, 1949. Default decree of condemnation and destruction.

15280. Misbranding of canned cherries, canned peaches, and canned pears. U. S. v. D & D Foods Co. and Florian F. Dauenhauer. Pleas of nolo contendere. Fine of \$300 against company suspended; fine of \$300 against individual. (F. D. C. No. 27522. Sample Nos. 32268-K, 36599-K, 36600-K, 37988-K, 41428-K, 50101-K.)

INFORMATION FILED: September 16, 1949, Eastern District of Washington, against the D & D Foods Co., a partnership, Wenatchee, Wash., and Florian F. Dauenhauer, partner and manager of the firm.

ALLEGED SHIPMENT: On or about March 25 and December 2, 1948, and January 3, February 12, and March 22, 1949, from the State of Washington into the States of California, Oregon, Pennsylvania, and Massachusetts.

LABEL, IN PART: "Dawn Hour * * * Dark [or "Light"] Sweet Cherries," "Star Dee Brand Yellow Freestone Peaches Halves," "Star Dee Brand * * * Freestone Peaches Sliced," "Chick-A-Dee Brand Halves Yellow Freestone Peaches," and "Star Dee Brand Bartlett Pears Halves."

NATURE OF CHARGE: Canned cherries. Misbranding, Section 403 (g) (2), the label failed to bear, as the definition and standard of identity for canned sweet cherries requires, the name of the optional packing medium present in the article. The label of the article bore the statement "In Extra Heavy Syrup," whereas the article was packed in sirup designated as "heavy sirup" in the definition and standard.

Canned peaches. Misbranding, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of the contents since the label of such portion bore the statement "Net Weight 1 lb 13 oz.," which was inaccurate since the weight of the contents of the cans was less than 1 pound and 13 ounces net. Further misbranding, Section 403 (h) (1), the quality of certain lots of the article fell below the standard of quality for canned peaches since the largest peach units were more than twice the weight of the smallest; all peach units were not untrimmed or were so trimmed as not to preserve their normal shape; and the label of these lots failed to bear the substandard legend.

Canned pears. Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned pears since the largest pear units were more than twice the weight of the smallest; all pear units were not untrimmed or were so trimmed as not to preserve their normal shape; more than 10 percent of the pear units in a container of 10 or more units were crushed or broken; and the label failed to bear the substandard legend.

DISPOSITION: October 13, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$300 against the company, which fine was suspended. The court imposed also a fine of \$300 against the individual, which fine was to be paid.

DRIED FRUIT

15281. Adulteration of dried apple chops. U. S. v. 855 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26892, 27041. Sample Nos. 43651-K, 51260-K.)

LIBELS FILED: March 23 and April 12, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 31, 1948, and February 20, 1949, by the Valley Evaporating Co., from Cowiche, Wash.

PRODUCT: 2255 cases, each containing 40 pounds, of dried apple chops at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 21, 1949. Consent decrees of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

15282. Adulteration of dried figs. U. S. v. 173 Cartons * * *. (F. D. C. No. 27609. Sample No. 34311-K.)

LIBEL FILED: August 17, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 15, 1949, by the California Packing Corp., from San Francisco, Calif.

PRODUCT: 173 30-pound packages of dried figs at Philadelphia, Pa.

LABEL. IN PART: "Arabian Brand Extra Choice White Figs Packed by Roeding Fig Co. Fresno, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested figs, and of a decomposed substance by reason of the presence of moldy figs.

DISPOSITION: August 31, 1949. The Roeding Fig Co. having appeared as claimant but subsequently having consented to the entry of a decree, judgment of condemnation and destruction was entered.

PRESERVES

15283. Adulteration of strawberry preserves. U. S. vs. 21 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 27668, 27674, 27679, 27689. Sample Nos. 2927-K, 19897-K, 19898-K, 47726-K.)

LIBELS FILED: Between August 1 and 13, 1949, Western District of Virginia and Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about June 7, 16, and 29, and July 1, 1949, by Crossfield Foods, Inc., from Griffin, Ga.

PRODUCT: 325 cases, each containing 24 12-ounce jars, of strawberry preserves at Martinsville and Richlands, Va., and Newport and Morristown, Tenn.

LABEL, IN PART: "Calico Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: September 13 and 17 and October 20, 1949. Default decrees of condemnation and destruction.

15284. Adulteration of strawberry preserves. U. S. v. 100 Cases * * *. (F. D. C. No. 27606. Sample No. 40448-K.)

LIBEL FILED: On or about August 12, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 7, 1949, by Crossfield Foods, Inc., from Griffin, Ga.

PRODUCT: 100 cases, each containing 24 12-ounce jars, of strawberry preserves at Richmond, Va.

LABEL, IN PART: (Jar) "Kenny's Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: October 21, 1949. Default decree of condemnation and destruction.

15285. Adulteration of strawberry preserves. U. S. v. 46 Cases * * *. (F. D. C. No. 27610. Sample No. 40450-K.)

LIBEL FILED: On or about August 7, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about June 29, 1949, by Crossfield Foods, Inc., from Griffin, Ga.

PRODUCT: 46 cases, each containing 24 12-ounce jars, of strawberry preserves at Orange, Va.

LABEL, IN PART: (Jar) "Calico Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: November 22, 1949. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

15286. Adulteration of pea beans. U. S. v. 19 Bags * * *. (F. D. C. No. 27681. Sample No. 14196-K.)

LIBEL FILED: August 9, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 11, 1946, from Trumansburg, N. Y.

PRODUCT: 19 100-pound bags of pea beans at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect-damaged beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 5, 1949. Default decree of condemnation and destruction.

15287. Adulteration of canned corn. U. S. v. 378 Cans * * *. (F. D. C. No. 27663. Sample No. 42047-K.)

LIBEL FILED: July 25, 1949, Western District of Michigan.

ALLEGED SHIPMENT: On or about November 17, 1947, by the Summit Packing Co., from La Porte, Ind.

PRODUCT: 378 1-pound, 3-ounce cans, of corn at Grand Rapids, Mich.

LABEL, IN PART: "Pagin's Brand Cream Style Golden Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms, worm parts, and rodent excreta.

DISPOSITION: September 8, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15288. Adulteration and misbranding of canned spinach. U. S. v. 168 Cases * * *. (F. D. C. No. 27671. Sample No. 51470-K.)

LIBEL FILED: August 8, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 25, April 29, and May 19, 1949, by the Fresh Canning Co., from Fort Smith, Ark., and Spiro, Okla.

PRODUCT: 168 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Indianapolis, Ind.

LABEL, IN PART: "Ko-We-Ba * * * Fancy Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned spinach since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: August 24, 1949. The Fresh Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. The segregation operations resulted in the destruction of 13 1/24 cases of the product as unfit.

15289. Adulteration of canned sauerkraut. U. S. v. 865 Cases * * *. (F. D. C. No. 27670. Sample No. 47163-K.)

LIBEL FILED: August 2, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 4, 1949, by C. C. Lang & Son, Inc., from Hall, N. Y.

PRODUCT: 865 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Youngstown, Ohio.

LABEL, IN PART: "Grade A A & P Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

15290. Adulteration of canned tomatoes. U. S. v. 422 Cases * * *. (F. D. C. No. 27477. Sample No. 60421-K.)

LIBEL FILED: July 15, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about March 3, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 422 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Milwaukee, Wis.

LABEL, IN PART: (Can) "Co-Op Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 5, 1949. Default decree of condemnation and destruction.

15291. Adulteration of tomato catsup. U. S. v. 492 Cases * * *. (F. D. C. No. 27683. Sample Nos. 60849-K, 60850-K.)

LIBEL FILED: August 5, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 12 and April 1, 1949, by the Fettig Canning Corp., from Elwood, Ind.

PRODUCT: 492 cases, each containing 24 14-ounce bottles, of tomato catsup at St. Louis, Mo.

LABEL, IN PART: "Mary's Choice Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 7, 1949. Default decree of condemnation and destruction.

15292. Adulteration of tomato paste. U. S. v. 465 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 26929, 26930. Sample No. 13106-K.)

LIBELS FILED: March 21, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 13, 1949, by the Gangi Bros. Packing Co., from Santa Clara, Calif.

PRODUCT: 1,465 cases, each containing 96 6-ounce cans, of tomato paste at Philadelphia, Pa.

LABEL, IN PART: (Can) "Ideal Brand Tomato Paste."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 10, 1949. No claimant having appeared, and the court having found that only 812 cases of the product had been shipped by the Gangi Bros. Packing Co. and were adulterated out of a total of 1,377 cases which had been seized, judgment of condemnation was entered against the 812 cases. The court ordered that the 812 cases be destroyed and that the remainder of the product be released.

15293. Adulteration of tomato puree. U. S. v. 450 Cases * * *. (F. D. C. No. 27375. Sample No. 41346-K.)

LIBEL FILED: May 27, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 3 and April 11, 1949, by Finer Foods, Inc., from Terre Haute, Ind.

PRODUCT: 450 cases, each containing 6 cans, of tomato puree at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 27, 1949. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15294. Adulteration and misbranding of cod liver oil. U. S. v. Zehr & Co. Plea of guilty. Fine of \$100 on each of 4 counts, plus costs; payment of fine on 3 counts suspended. (F. D. C. No. 26741. Sample Nos. 41696-K, 42221-K.)

INFORMATION FILED: October 26, 1949, Northern District of Ohio, against Zehr & Co., a corporation, Pettisville, Ohio.

ALLEGED SHIPMENT: On or about November 19, 1948, and January 20, 1949, from the State of Ohio into the State of Wisconsin.

LABEL, IN PART: "Zerco Cod Liver Oil For Poultry Feeding" and "Zerco Cod Liver Oil * * * Supreme Quality for Fur Bearing Animals."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A and vitamin D, had been in part omitted and abstracted from the articles.

Misbranding, Section 403 (a), the statements "containing 681,000 U. S. P. Units Vitamin A 68,100 A. O. A. C. Units Vitamin D per pound * * * 1,500 U. S. P. Units Vitamin A 150 A. O. A. C. Units Vitamin D per gram," displayed upon the label of the oil for poultry feeding, and the statements "containing 1,135,000 U. S. P. Units Vitamin A. 113,500 A. O. A. C. Units Vitamin D per pound," displayed upon the label of the oil for the fur bearing animals, were false and misleading since the respective portions of the articles contained less than those amounts of vitamins.

DISPOSITION: October 26, 1949. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the four counts of the information, plus costs, and suspended payment of the fine on three counts.

15295. Adulteration and misbranding of vitamin and mineral tablets. U. S. v. 20 Bottles * * *. (F. D. C. No. 27460. Sample No. 29775-K.)

LIBEL FILED: July 12, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about May 10 and 16, 1949, from Los Angeles, Calif.

PRODUCT: 20 100-tablet bottles of vitamin and mineral tablets at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements "6 Tablets * * * contain not less than * * * Vitamin D 2,400 U. S. P. Units * * * 6 Tablets supplies the Daily Adult Minimum Requirement of * * * and 6 Times that of * * * Vitamin D" were false and misleading as applied to the article, which contained less than the declared amount of vitamin D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 15, 1949. The shipper of the product having executed an Acceptance of Service and Authorization for Taking of Final Decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

15296. Adulteration and misbranding of Multi-Vitalins tablets. U. S. v. 223 Bottles, etc. (F. D. C. No. 27626. Sample No. 27735-K.)

LIBEL FILED: August 3, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about June 11, 1949, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

PRODUCT: Multi-Vitalins tablets. 223 100-tablet bottles, 172 1,000-tablet bottles, 5 6,000-tablet bottles, and 1 5,000-tablet bottle, in possession of the Lincoln Laboratories, Inc., Decatur, Ill. The product had been shipped in a bulk container bearing the statement, among others, that each tablet contained 20 mgs. of niacin. It was repackaged and labeled by the consignee. Examination showed that the product contained less than 20 mgs. of niacin per tablet.

LABEL, IN PART: (Repackaged article) "Multi-Vitalins Red Oval Each Tablet Contains: * * * Niacin 20 Mgs."

NATURE OF CHARGE: Adulteration Section 402 (b) (1), a valuable constituent, niacin, had been in part omitted or abstracted from the article. It was adulterated when introduced into, and while held for sale after shipment in, interstate commerce.

Misbranding, Section 403 (a), the label statement "Each tablet contains: * * * Niacin 20 mgs." was false and misleading as applied to the article, which contained less than 20 mgs. of niacin. Further misbranding, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by reason of its vitamin content, and its label failed to bear as prescribed by the regulations a statement of the proportion of the minimum daily requirements of vitamins A, D, B₁, B₂, and C, and the amounts of vitamin B₆, niacin, and calcium pantothenate furnished by a specific quantity of the article when consumed during a period of one day; and its label failed also to bear as required by the regulations the statement that "The need for vitamin B₆ and calcium pantothenate in human nutrition has not been established." The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 17, 1949. The Keith-Victor Pharmacal Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

15297. Adulteration and misbranding of Private Formula tablets. U. S. v. 1 Drum * * *. (F. D. C. No. 27661. Sample No. 46081-K.)

LIBEL FILED: On or about August 5, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 20, 1948, from Chicago, Ill.

PRODUCT: 1 drum containing 30,000 Private Formula tablets at Springfield, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine hydrochloride (vitamin B₁), and niacinamide, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each tablet represents Thiamin HCL 850 USP Units * * * Niacinamide 10 mg." was false and misleading as applied to the article which contained less than those amounts.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 6, 1949. Default decree of destruction.

15298. Adulteration and misbranding of Multi-Vi Liquid. U. S. v. 60 Bottles * * *. (F. D. C. No. 27660. Sample No. 25956-K.)

LIBEL FILED: July 23, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about March 16, 1948, from Newark, N. J.

PRODUCT: 60 30-cc. bottles of Multi-Vi Liquid at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine hydrochloride (vitamin B₁), had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each 0.6 cc. Contains: * * * Thiamine Hydrochloride U. S. P. 1 mg." was false and misleading as applied to the article, which contained less than 1 mg. of thiamine hydrochloride (vitamin B₁).

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 7, 1949. A default decree was entered, providing for denaturing of the product for use as animal feed or for its destruction.

MISCELLANEOUS FOODS

15299. Alleged misbranding of pie filling. U. S. v. 306 Cases * * *. (F. D. C. No. 23732. Sample No. 9102-K.)

LIBEL FILED: September 29, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about August 5, 1947, by Quaker Maid Co., Inc., from Brooklyn, N. Y.

PRODUCT: 306 cases, each containing 36 4-ounce packages, of pie filling at Newark, N. J. Examination showed that the product consisted of a light yellow starchy powder, with a small gelatin capsule containing lemon oil and a tablet of citric acid.

LABEL, IN PART: (Packages) "Ann Page Sparkle Mixture For Use with Egg in Making Lemon Flavored Pie Filling Sugar, Corn Starch, Dextrose, Citric Acid, Salt and Essential Oil of Lemon U. S. Certified Color Added."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Mixture For Use with Egg in Making Lemon Flavored Pie Filling Sugar" was false and misleading since it suggested that the article when used with egg, and by the addition of water, would make a complete lemon-flavored pie filling whereas lemon pie filling requires lemon juice and additional sugar.

DISPOSITION: The Great Atlantic and Pacific Tea Company, claimant, filed an answer on October 25, 1948, denying that the product was misbranded and alleging as an affirmative defense that the identity and characteristics of the product were well-known to, and understood by, the consuming public; that consumers knew and understood that sugar to suit must be added to make a lemon pie filling; that lemon juice was not present and was not required since the lemon flavor desired and expected was imparted by the lemon flavor constituents; that consumers differentiated between the product and the semisolid food ready for consumption, i. e. lemon pie filling; that consumers knew what ingredients were required to be added to make lemon pie filling; and that no standard of identity had been promulgated for the kind of food involved in the case. A motion to strike the affirmative defense of the claimant was filed on behalf of the Government for the reason that the matters set forth were redundant, immaterial, and insufficient of defense.

After due consideration, the court on January 12, 1949, ordered that the affirmative defense of the claimant be stricken. Thereafter, a motion to dismiss the libel and for the entry of judgment on the pleadings was made on behalf of the claimant. On April 20, 1949, after consideration of the pleadings and

the argument of counsel, an order was entered directing that the libel be dismissed.

15300. Adulteration of spaghetti sauce with meat and mushrooms. U. S. v. 93 Cases * * *. (F. D. C. No. 27439. Sample No. 32086-K.)

LIBEL FILED: June 27, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about March 2 and 9, 1946, from Philadelphia, Pa.

PRODUCT: 93 cases, each containing 48 10½-ounce cans, of spaghetti sauce with meat and mushrooms at Santa Clara, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15251 TO 15300

PRODUCTS

	N. J. No.		N. J. No.
Apple chops, dried	15281	Pea beans	15286
Beans, pea	15286	Peaches, canned	15280
Biscuit mix	15262	Pears, canned	15280
Bran	15261	Phosphated flour	15254
Butter	15263-15268	Pie filling	15299
Cereals and cereal products	15251-15262	Private Formula tablets	15297
Cherries, canned	15279, 15280	Rice	15257-15259
Cod liver oil	15294	Roman Meal (bakers mixture)	15260
Corn, canned	15287	Rye flour	15256
Crab meat	15277, 15278	Salmon, canned	15276
Dairy products	15263-15268	Sauerkraut, canned	15289
Eggs	15269-15272	Self-rising flour	15254, 15255
frozen whole	15270-15272	Shellfish. See Fish and shellfish.	
Figs, dried	15282	Spaghetti sauce with meat and mushrooms	15300
Fish and shellfish	15273-15278	Spinach, canned	15288
Flounder, frozen	15274	Strawberry preserves	15283-15285
Flour	15251-15256	Tomato(es), canned	15290
Fruits and vegetables	15279-15293	catsup	15291
fruit, canned	15279, 15280	paste	15292
dried	15281, 15282	puree	15293
preserves	15283-15285	Tullibeas, frozen	15275
tomatoes and tomato products	15290-15293	Vegetables. See Fruits and vegetables.	
vegetables and vegetable products	15286-15289	Vitamin, mineral, and other products of special dietary significance	15294-15298
Multi-Vi Liquid	15298	Whitefish	15273
Multi-Vitalins tablets	15296		
Oil, cod liver	15294		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Alaska Fisheries:		Lake St. Peter Fisheries, Ltd.:	
whitefish -----	15273	frozen tullibees -----	15275
Buelow, C. F., Co.:		Land O'Lakes Creameries, Inc.:	
canned salmon -----	15276	butter -----	15263
California Packing Corp.:		Lang, C. C., & Son, Inc.:	
dried figs -----	15282	canned sauerkraut -----	15289
Chong, Wing Sing, Co. Ware-		Lee & Lee:	
house:		flour -----	15253
rice -----	15257	Lincoln Laboratories, Inc.:	
Crossfield Foods, Inc.:		Multi-Vitalins tablets -----	15296
strawberry preserves ---	15283-15285	Mayflower Creamery Co., Inc.:	
D & D Foods Co.:		whipped butter -----	15267
canned cherries, canned		Moundridge Mill & Elevator Co.:	
peaches, and canned pears --	15280	self-rising flour -----	15255
Dauenhauer, F. F.:		Neuse Crab & Oyster Co.:	
canned cherries, canned		crab meat -----	15277
peaches, and canned pears --	15280	Quaker Maid Co., Inc.:	
Electrik Maid Bakery:		pie filling -----	15299
flour -----	15252	Randalia Mutual Creamery Assn.:	
Elzea, W. W., Inc.:		butter -----	15266
butter -----	15265	Roberts Egg Products Co.:	
Fettig Canning Corp.:		frozen whole eggs -----	15271
tomato catsup -----	15291	Roeding Fig Co.:	
Finer Foods, Inc.:		dried figs -----	15282
tomato puree -----	15293	Sugar Creek Creamery Co.:	
Fresh Canning Co.:		butter -----	15268
canned spinach -----	15288	Summit Packing Co.:	
Gangi Bros. Packing Co.:		canned corn -----	15287
tomato paste -----	15292	Tri-State Butter Co.:	
Gateway Fisheries, Ltd.:		butter -----	15264
whitefish -----	15273	Utah Poultry & Farmer's Co-	
Great A & P Tea Co.:		operative:	
butter -----	15266	eggs -----	15269
Hamilton Fish Co.:		Valley Evaporating Co.:	
whitefish -----	15273	dried apple chops -----	15281
Haviriko Bros.:		Wabash Frozen Foods:	
whitefish -----	15273	frozen whole eggs -----	15270
Independent Fish Co.:		Waggoner-Gates Milling Co.:	
frozen flounder -----	15274	flour -----	15251
Indiana Mushroom Corp.:		Welch Fruit Products Co.:	
canned tomatoes -----	15290	canned cherries -----	15279
Keith-Victor Pharmacal Co.:		Whorton, G. L., Co.:	
Multi-Vitalins tablets -----	15296	crab meat -----	15278
Knoxville Dairy:		Zehr & Co.:	
butter -----	15265	cod liver oil -----	15294

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15301-15350

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

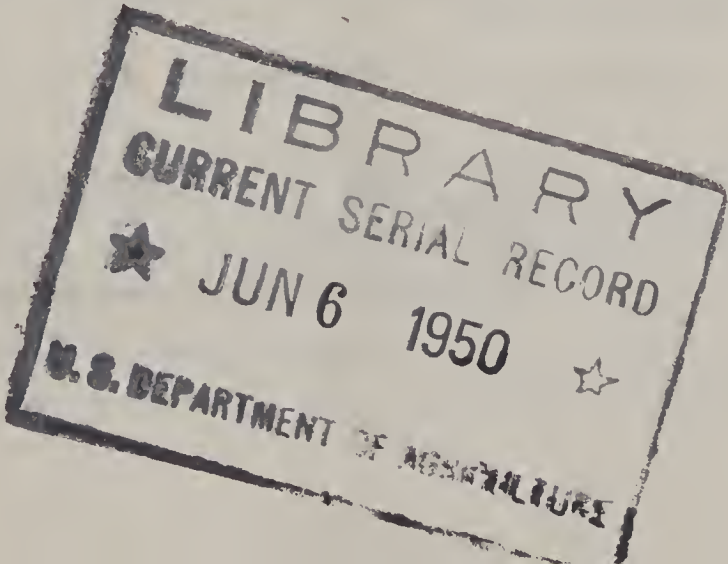
PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 12, 1950.

CONTENTS

	Page		Page
Beverages and beverage materials	752	Fish and shellfish	761
Candy	753	Fruits and vegetables	761
Cereals and cereal products	755	Canned fruit	761
Bakery products	755	Frozen fruit	762
Corn meal	756	Vegetables and vegetable prod-	
Flour	757	ucts	763
Dairy products	759	Tomatoes and tomato products	766
Butter	759	Index	768
Miscellaneous dairy products	760		

751



BEVERAGES AND BEVERAGE MATERIALS

15301. Adulteration of green coffee. U. S. v. 100 Bags * * *. (F. D. C. No. 27579. Sample No. 56708-K.)

LIBEL FILED: July 18, 1949, District of New Jersey.

ALLEGED SHIPMENT: On various dates, from the United States of Brazil.

PRODUCT: 100 bags, each containing 110 pounds, of green coffee at Hoboken, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt and other refuse, and of a decomposed substance by reason of the presence of mold; and the product was otherwise unfit for food by reason of the presence of glass, metal fragments, sticks, and string. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1949. Default decree of condemnation and destruction.

15302. Adulteration of green coffee. U. S. v. 19 Bags * * *. (F. D. C. No. 27615. Sample No. 56383-K.)

LIBEL FILED: August 2, 1949, Southern District of New York.

ALLEGED SHIPMENT: The product had been imported from various places at various times in the past two years.

PRODUCT: 19 100-pound bags of green coffee at New York, N. Y. The product represented dock sweepings and skimmings from various importations which had accumulated over a period of two years.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of dirt, wood splinters, dirty fibers, and other foreign matter. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 10, 1949. Default decree of condemnation and destruction.

15303. Adulteration of tomato juice. U. S. v. 422 Cases, etc. (F. D. C. No. 27703, 27704. Sample Nos. 45039-K, 45042-K.)

LIBEL FILED: August 19, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about July 21, 1949, by the Clyde Canning Co., from Clyde, Ohio.

PRODUCT: 570 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Ottumwa and Des Moines, Iowa.

LABEL, IN PART: "Jack Sprat Tomato Juice * * * Distributed By Marshall Canning Co. Marshalltown, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 23, 1949. Default decree of condemnation and destruction.

15304. Adulteration of tomato juice. U. S. v. 543 Cases * * *. (F. D. C. No. 27571. Sample No. 42151-K.)

LIBEL FILED: July 25, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about July 6, 1949, by the Great Atlantic & Pacific Tea Co., from Chicago, Ill.

PRODUCT: 543 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Fairland, Ind.

LABEL, IN PART: "Iona Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed tomato material.

DISPOSITION: November 7, 1949. Default decree of forfeiture and destruction.

15305. Adulteration of tomato juice. U. S. v. 347 Cases * * *. (F. D. C. No. 27664. Sample No. 45019-K.)

LIBEL FILED: July 29, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about June 9, 1949, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 347 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Des Moines, Iowa.

LABEL, IN PART: "American Beauty Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 8, 1949. Default decree of condemnation and destruction.

15306. Adulteration of sirup. U. S. v. 77 Drums * * *. (F. D. C. No. 20535. Sample No. 65223-H.)

LIBEL FILED: July 15, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 6, 1946, by the Tell City Coca-Cola Bottling Co., from Tell City, Ind.

PRODUCT: 77 drums, each containing 55 gallons, of sirup at Philadelphia, Pa. Examination showed that the product contained about 750 parts per million of monochloroacetic acid.

LABEL, IN PART: "Drum Contains 27 ½ oz. Esterex (Monochloroacetic Acid)."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: November 10, 1949. The Cutler Chemical Co., Philadelphia, Pa., having appeared as claimant and filed an answer which was withdrawn on November 5, 1949, and no one else having appeared as claimant, judgment of condemnation was entered and the product was ordered destroyed.

CANDY

15307. Adulteration of candy. U. S. v. Sterling Specialty Co., a corporation, and Charles I. Plesset. Pleas of nolo contendere. Corporation fined \$200 and costs; individual defendant placed on probation for 2 years. (F. D. C. No. 27514. Sample Nos. 7947-K, 7954-K.)

INFORMATION FILED: August 30, 1949, Western District of Pennsylvania, against the Sterling Specialty Co., Pittsburgh, Pa., and Charles I. Plesset, president.

ALLEGED SHIPMENT: On or about March 14, 1949, from the State of Pennsylvania into the States of West Virginia and Ohio.

LABEL, IN PART: "Lady Sterling Quality Candies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, and cat hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 4, 1949. Pleas of nolo contendere having been entered, the corporation was fined \$200, together with costs, and the individual defendant was placed on probation for 2 years.

15308. Adulteration of candy. U. S. v. Commercial Candy Mfg. Co. Plea of guilty. Fine of \$300 and costs. (F. D. C. No. 27497. Sample Nos. 16983-K, 42327-K, 42330-K.)

INFORMATION FILED: September 2, 1949, Northern District of Illinois, against the Commercial Candy Mfg. Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about January 19 and 24 and February 18, 1949, from the State of Illinois into the States of Wisconsin and Michigan.

LABEL, IN PART: "Marshmallow [or "Jelly Bird"] Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs and wood fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 11, 1949. A plea of guilty having been entered, the defendant was fined \$300, together with costs.

15309. Adulteration of candy. U. S. v. Pan American Candy Co. Plea of guilty. Fine of \$700, together with costs. (F. D. C. No. 27525. Sample Nos. 2111-K, 40985-K, 40986-K, 46541-K to 46545-K, incl., 47109-K.)

INFORMATION FILED: September 2, 1949, Eastern District of Illinois, against the Pan American Candy Co., a corporation, Ashley, Ill.

ALLEGED SHIPMENT: On or about February 26, April 25, 27, and 30, and May 3, 1949, from the State of Illinois into the States of Washington, Missouri, and Pennsylvania, and the District of Columbia.

LABEL, IN PART: "New A Good Candy Bar Milk Chocolate Coating" and "Delicious Chocolate Malted A Chocolate Malted Milk Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, rodent excreta pellets and fragments, feather fragments, rodent hairs, and beetles; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 9, 1949. A plea of guilty having been entered, the defendant was fined \$700, together with costs.

15310. Adulteration of milk chocolate Easter eggs and milk chocolate rabbits. U. S. v. Chocolate Creations, Inc., Victor B. Altabe, and Joseph Kirschner. Pleas of guilty. Fine of \$100 against each defendant; total \$300. (F. D. C. No. 27502. Sample Nos. 16991-K, 16992-K, 40245-K.)

INFORMATION FILED: September 19, 1949, Southern District of New York, against Chocolate Creations, Inc., and Victor B. Altabe, president, and Joseph Kirschner, vice president, of the corporation.

ALLEGED SHIPMENT: On or about January 11 and February 12, 1949, from the State of New York into the States of Wisconsin and Maryland.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 27, 1949. Pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant.

15311. Adulteration of maple butternut fudge. U. S. v. Robert G. Coombs. Plea of guilty. Fine, \$100. (F. D. C. No. 27507. Sample No. 5814-K.)

INFORMATION FILED: August 18, 1949, District of Vermont, against Robert G. Coombs, Jacksonville, Vt.

ALLEGED SHIPMENT: On or about April 22, 1949, from the State of Vermont into the State of Massachusetts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 26, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

15312. Adulteration of maple sugar candy. U. S. v. Vermont Confectionery Co., Inc. (Vermont Maple Tree Sugar Co.). Plea of guilty. Fine, \$750. (F. D. C. No. 27531. Sample Nos. 62157-K, 62160-K, 62289-K.)

INFORMATION FILED: October 20, 1949, District of Vermont, against Vermont Confectionery Co., Inc., trading as the Vermont Maple Tree Sugar Co., Burlington, Vt.

ALLEGED SHIPMENT: On or about April 4, 11, and 13, 1949, from the State of Vermont into the State of New Hampshire.

LABEL, IN PART: "Vermont Blue Ribbon Maple Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 22, 1949. A plea of guilty having been entered, the defendant was fined \$750.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15313. Adulteration of bread and rolls. U. S. v. Peters Bakery, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 27521. Sample Nos. 27730-K to 27733-K, incl.)

INFORMATION FILED: September 2, 1949, Southern District of Illinois, against Peters Bakery, Inc., Moline, Ill.

ALLEGED SHIPMENT: On or about June 15, 1949, from the State of Illinois into the State of Iowa.

LABEL, IN PART: "Peters * * * Bamby Enriched Bread," "Peters Old Fashioned Potato Bread," "Peters Spec. Rolls," or "Peters Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of ants, insect fragments, spiders, larval head capsules, rodent hair fragments, larval cast skins, and house flies; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 13, 1949. A plea of nolo contendere having been entered, the defendant was fined \$500.

15314. Adulteration of cookies. U. S. v. Percy Walter Moles (Heart of America Baking Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 27524. Sample Nos. 55537-K to 55540-K, incl.)

INFORMATION FILED: September 29, 1949, Western District of Missouri, against Percy Walter Moles, trading as the Heart of America Baking Co., Kansas City, Mo.

ALLEGED SHIPMENT: On or about May 2 and 9, 1949, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Sweetheart Fancy Assorted [or "Banana Sandwich"] Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, insects, and larvae; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1949. A plea of guilty having been entered, the defendant was fined \$200.

15315. Adulteration of ice cream cones. U. S. v. Turnbull Cone Baking Co. and Werd W. Turnbull. Pleas of guilty. Joint fine of \$500. (F. D. C. No. 27527. Sample Nos. 1911-K, 22019-K, 53462-K.)

INFORMATION FILED: September 14, 1949, Eastern District of Tennessee, against the Turnbull Cone Baking Co., a corporation, Chattanooga, Tenn., and Werd W. Turnbull, vice president.

ALLEGED SHIPMENT: On or about March 24 and April 2 and 6, 1949, from the State of Tennessee into the States of Georgia, Mississippi, and Alabama.

LABEL, IN PART: "Turnbull's Serva-Cone" or "Turnbull Cup-O-Joy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and rodent excreta pellet fragments; and Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 10, 1949. Pleas of guilty having been entered, a joint fine of \$500 was imposed.

CORN MEAL

15316. Adulteration of corn meal. U. S. v. 1,407 Bags * * *. (F. D. C. No. 27718. Sample No. 54246-K.)

LIBEL FILED: August 24, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 14, 1949, by Kalmbach-Burckett Co., Inc., from Natchez, Miss.

PRODUCT: 317 25-pound bags, 495 10-pound bags, and 595 5-pound bags of corn meal at Baton Rouge, La. Examination showed that the product contained rodent excreta, rodent hairs, and insect fragments.

LABEL, IN PART: "Squirrel Enriched * * * Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: September 15, 1949. Kalmbach-Burckett Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

15317. Adulteration of corn meal. U. S. v. 15 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 27611 to 27613, incl. Sample Nos. 47592-K to 47594-K, incl.)

LIBELS FILED: August 3, 1949, District of Columbia.

ALLEGED SHIPMENT: The product was shipped in interstate commerce into the District of Columbia, on or about July 14, 1949, by Wilkins-Rogers Milling Co., Inc.

PRODUCT: Corn meal. 70 cases, each containing 10 5-pound bags, and 87 cases, each containing 25 2-pound bags, at Washington, D. C.

LABEL, IN PART: (Bag) "Indian Head Water Ground White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent excreta.

DISPOSITION: August 9, 1949. Wilkins-Rogers Milling Co., Inc., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond, to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

15318. Adulteration of corn meal. U. S. v. 41 Sacks * * *. (F. D. C. No. 27662. Sample No. 45748-K.)

LIBEL FILED: July 22, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 4, 1949, from Decatur, Ill.

PRODUCT: 41 100-pound sacks of corn meal at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 17, 1949. Default decree of condemnation and destruction.

FLOUR

15319. Adulteration of flour. U. S. v. 106 Bags * * *. (F. D. C. No. 27619. Sample No. 62117-K.)

LIBEL FILED: August 1, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 2, 1949, by the Atkinson Milling Co., from Twin City, Minn.

PRODUCT: 106 100-pound bags of flour at Charlestown, Mass.

LABEL, IN PART: "Atkinson's Action High Gluten Flour Bromated Unenriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments.

DISPOSITION: August 15, 1949. The American Flour Co., Charlestown, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion to tannery use, by the addition of tanner's oil, under the supervision of the Federal Security Agency.

15320. Adulteration of flour. U. S. v. 60 Bags * * *. (F. D. C. No. 27600. Sample No. 1589-K.)

LIBEL FILED: August 1, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 30 and June 14, 1949 from Springfield, Ill.

PRODUCT: 60 100-pound bags of flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 31, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15321. Adulteration of pastry flour. U. S. v. 790 Bags, etc. (F. D. C. No. 27605. Sample Nos. 5247-K to 5249-K, incl.)

LIBEL FILED: July 27, 1949, District of Maine.

ALLEGED SHIPMENT: On or about May 27, 1949, by Stratton & Co., Inc., from Penacook, N. H.

PRODUCT: Pastry flour. 790 bags, each containing 25 pounds; 218 cartons, each containing 5 10-pound bags; and 180 cartons, each containing 10 5-pound bags, at Portland, Maine.

LABEL, IN PART: (Bag) "Old Homestead Pastry Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 15, 1949. Stratton & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was rebagged and denatured for use in the manufacture of paste.

DAIRY PRODUCTS**BUTTER**

15322. Adulteration of butter. U. S. v. 24 Cases, etc. (F. D. C. No. 28078. Sample No. 7757-K.)

LIBEL FILED: August 25, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 28, 1949, by the Paul A. Schulze Co., from St. Louis, Mo.

PRODUCT: 24 cases, each containing 32 1-pound prints, of butter, together with 27 1-pound prints, at Wellsville, N. Y.

LABEL, IN PART: "Jersey Belle Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (The article contained excessive mold mycelia.)

DISPOSITION: September 26, 1949. Default decree of condemnation and destruction.

15323. Adulteration of butter. U. S. v. 13 Cases * * *. (F. D. C. No. 28077. Sample No. 7299-K.)

LIBEL FILED: August 23, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 19, 1949, by the Paul A. Schulze Co., from St. Louis, Mo.

PRODUCT: 13 cases, each containing 32 1-pound prints, of butter at Buffalo, N. Y.

LABEL, IN PART: "Jersey Belle Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination showed that the product contained mold.)

DISPOSITION: September 27, 1949. Default decree of condemnation and destruction.

15324. Adulteration of butter. U. S. v. 3 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27868, 27870. Sample Nos. 13633-K, 52135-K.)

LIBELS FILED: July 25 and August 9, 1949, Eastern District of Kentucky and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 12 and 14, 1949, from Cincinnati, Ohio, and Baltimore, Md., by the Tri-State Butter Co.

PRODUCT: 69 pounds of butter at Newport, Ky., and 3 cases, each containing 32 pounds, of butter at Lancaster, Pa. Examination showed that the product contained mold and insect and rodent filth.

LABEL, IN PART: (Portion) "Rich Pasture Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances.

DISPOSITION: August 29 and September 14, 1949. Default decrees of condemnation. The court ordered that the Kentucky lot be sold for technical use for fat salvage purposes and that the Pennsylvania lot be destroyed.

MISCELLANEOUS DAIRY PRODUCTS

15325. Adulteration and misbranding of oleomargarine. U. S. v. The Cudahy Packing Co. Plea of nolo contendere. Fine of \$200 and costs. (F. D. C. No. 27529. Sample Nos. 20452-K, 25695-K, 25857-K, 25859-K.)

INFORMATION FILED: September 23, 1949, District of Nebraska against The Cudahy Packing Co., a corporation, Omaha, Nebr.

ALLEGED SHIPMENT: On or about January 22, March 12, and April 10 and 15, 1949, from the State of Nebraska into the State of Iowa.

LABEL, IN PART: "Cudahy's Delrich E-Z Color Pak Margarine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the standard since it contained less than 80 percent of fat.

DISPOSITION: November 23, 1949. A plea of nolo contendere having been entered, a fine of \$200, together with costs, was imposed.

15326. Adulteration of lactalbumin. U. S. v. 1 Drum * * *. (F. D. C. No. 27574. Sample No. 11953-K.)

LIBEL FILED: On or about July 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: By the National Milk Sugar Co., from Boscobel, Wis. (The product was shipped on or about February 15, 1949.)

PRODUCT: 1 54-pound drum of lactalbumin at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1949. Default decree of condemnation and destruction.

15327. Adulteration of malted milk powder. U. S. v. 36 Cans, etc. (F. D. C. No. 27700. Sample No. 42922-K.)

LIBEL FILED: September 2, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 28 and July 11, 1949, from Indianapolis, Ind., by the Dextora Co.

PRODUCT: 36 25-pound cans and 51 10-pound cans of malted milk powder at Chicago, Ill.

LABEL, IN PART: "Finest Quality Malted Milk Gold Prize Dist. by Gold Prize Coffee Company, Chicago."

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 10, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

FISH AND SHELLFISH

15328. Adulteration of frozen tullibees. U. S. v. 32 Boxes * * *. (F. D. C. No. 27280. Sample No. 11926-K.)

LIBEL FILED: May 31, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about April 30, 1949, by M. Bodner, from Winnipeg Manitoba, Canada.

PRODUCT: 32 boxes, each containing 140 pounds, of frozen tullibees at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: August 9, 1949. Default decree of condemnation and destruction.

15329. Adulteration of frozen shrimp. U. S. v. 9 Cases * * *. (F. D. C. No. 27909. Sample No. 49482-K.)

LIBEL FILED: October 25, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about September 20, 1949, by the Norfish Sales Co., from Oakland, Calif.

PRODUCT: 9 cases, each containing 10 5-pound cartons, of frozen shrimp at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: December 6, 1949. Default decree of condemnation. The court ordered that the product be sold for use as animal feed, after its preparation for such use, under the supervision of the Food and Drug Administration.

15330. Adulteration of crab meat. U. S. v. 69 Cans * * *. (F. D. C. No. 27642. Sample No. 40445-K.)

LIBEL FILED: July 1, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 28, 1949, by the Neuse Crab & Oyster Co., from Oriental, N. C.

PRODUCT: 69 1-pound cans of crab meat at Philadelphia, Pa. Analysis showed that the product was contaminated with *E. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: August 10, 1949. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES**CANNED FRUIT**

15331. Misbranding of canned cherries. U. S. v. 544 Cases * * *. (F. D. C. No. 28018. Sample No. 63061-K.)

LIBEL FILED: October 3, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 17, 1949, by the Wegner Canning Corp., from Sodus, N. Y.

PRODUCT: 544 cases, each containing 24 1-pound, 4-ounce cans, of cherries at Boston, Mass.

LABEL, IN PART: "Red Label Brand Red Tart Pitted Cherries In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required by the regulations, the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup," whereas the product was packed in sirup designated as "heavy sirup" in the definition and standard.

DISPOSITION: October 14, 1949. The Wegner Canning Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

15332. Adulteration of canned crushed pineapple. U. S. v. 83 Cases * * *.
(F. D. C. No. 28065. Sample No. 62476-K.)

LIBEL FILED: October 18, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 30, 1946, from Plant City, Fla.

PRODUCT: 83 cases, each containing 6 7-pound, 4-ounce cans, of crushed pineapple at Worcester, Mass.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition, and it was otherwise unfit for food by reason of its metallic taste. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 28, 1949. Default decree of condemnation and destruction.

15333. Adulteration of canned raspberries. U. S. v. 45 Cases, etc. (F. D. C. No. 27916. Sample Nos. 42854-K, 42855-K.)

LIBEL FILED: October 14, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 1, 1949, by Dwan's Home Canning Co., from St. Joseph, Mich.

PRODUCT: 45 cases, each containing 24 No. 2 cans, and 45 cases, each containing 6 No. 10 cans, of raspberries at Marion, Ind.

LABEL, IN PART: "Dwan's * * * Black Raspberries Water Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raspberry material.

DISPOSITION: December 1, 1949. Default decree of condemnation and destruction.

FROZEN FRUIT

15334. Adulteration of frozen strawberries, frozen sliced peaches, frozen crushed pineapple, frozen blackberries, and chocolate coating. U. S. v. 15 Cans, etc. (F. D. C. No. 27769. Sample Nos. 11761-K, 56156-K, 56158-K to 56160-K, incl.)

LIBEL FILED: August 17, 1949, District of Connecticut.

ALLEGED SHIPMENT: The frozen fruits were shipped on or about January 29, July 10, and October 7, 1946, and July 17, 1947, and the chocolate coating was shipped on or about January 9, February 4, and March 4, 1948.

PRODUCT: 15 cans, each containing 30 pounds, of frozen strawberries; 263 cans, each containing 30 pounds, of frozen sliced peaches; 27 cartons, each containing 1 30-pound can, of frozen crushed pineapple; 26 cartons, each containing 1 25-pound can, of frozen blackberries; and 3 cartons, each containing 50 pounds, of chocolate coating, and 25 pounds of unwrapped chocolate coating at Bridgeport, Conn. The chocolate coating was stored under insanitary conditions in the possession of Henry Bresky & Sons.

NATURE OF CHARGE: Frozen fruits. Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances.

Chocolate coating. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being rodent-gnawed; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1949. Default decree of condemnation and destruction.

15335. Adulteration of frozen strawberries. U. S. v. 186 Tins * * * (and 1 other seizure action). (F. D. C. Nos. 27617, 27801. Sample Nos. 8648-K, 8649-K, 11972-K.)

LIBELS FILED: July 29 and August 29, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 18, 1949, by the Bateman Frozen Foods Co., from Macon, Ga.

PRODUCT: 276 25-pound tins of frozen strawberries at Brooklyn, N. Y.

LABEL, IN PART: (Tin) "Juice Stock Strawberries Without Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

DISPOSITION: October 14, 1949. Default decrees of condemnation and destruction.

15336. Adulteration of frozen sliced peaches. U. S. v. 120 Cans * * *. (F. D. C. No. 27808. Sample Nos. 11316-K to 11318-K, incl.)

LIBEL FILED: September 2, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about May 5, 1947, by the Bateman Frozen Foods Co., from Macon, Ga.

PRODUCT: 120 30-pound cans of frozen sliced peaches at Poughkeepsie, N. Y.

LABEL, IN PART: (Can) "Dixiana Quick-Frozen Sliced Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies and other insects, insect parts, rodent hairs, wood splinters, and dirt.

DISPOSITION: September 23, 1949. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

15337. Adulteration of frozen asparagus. U. S. v. 45 Cases * * *. (F. D. C. No. 27564. Sample No. 13155-K.)

LIBEL FILED: On or about July 19, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 4, 1949, by John H. Dulany & Son, Inc., from Exmore, Va.

PRODUCT: 45 cases, each containing 36 12-ounce boxes, of frozen asparagus at Camden, N. J.

LABEL, IN PART: (Box) "Dulany Quick Frozen Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: August 19, 1949. Default decree of condemnation and destruction.

15338. Adulteration of canned green beans. U. S. v. 51 Cases, etc. (and 4 other seizure actions). (F. D. C. Nos. 27545 to 27549, incl. Sample Nos. 29544-K to 29546-K, incl., 29996-K, 29997-K, 29999-K, 49191-K, 49192-K.)

LIBELS FILED: June 29, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about October 23 and 30, 1948, by the Arkansas Valley Canning Co., from Van Buren, Ark.

PRODUCT: Canned green beans. 69 cases, each containing 24 No. 2 cans, and 145 cases, each containing 6 No. 10 cans, at Pocatello, Idaho; and 41 cases, each containing 24 No. 2 cans, and 28 cases, each containing 6 No. 10 cans, at Idaho Falls, Idaho.

LABEL, IN PART: "Triple XXX Whole Green Beans," "Rebecca Lee Brand Whole Green Beans," or "Virginia Lee Brand Whole Green Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-eaten green beans.

DISPOSITION: August 12, 1949. Default decrees of forfeiture and destruction.

15339. Adulteration of canned corn. U. S. v. 435 Cases * * *. (F. D. C. No. 27677. Sample No. 61104-K.)

LIBEL FILED: August 3, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 7, 1949, by the Clarksville Canning Co., from Clarksville, Iowa.

PRODUCT: 435 cases, each containing 24 1-pound, 4-ounce cans, of corn at Bonne Terre, Mo.

LABEL, IN PART: "Our Value Brand Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms, worm parts, and a housefly.

DISPOSITION: September 7, 1949. Default decree of condemnation and destruction.

15340. Adulteration of canned mustard greens and canned turnip greens. U. S. v. 224 Cases * * *. (F. D. C. No. 27601. Sample No. 1254-K.)

LIBEL FILED: July 27, 1949, Southern District of Georgia; amended libel filed August 29, 1949.

ALLEGED SHIPMENT: On or about March 9, 1949, from Goldsboro, N. C.

PRODUCT: 224 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens or turnip greens at Savannah, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the cans were badly rusted and that the product was in a large part decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 28, 1949. Default decree of condemnation and destruction.

15341. Adulteration of canned peas and carrots. U. S. v. 71 Cases * * *.
(F. D. C. No. 27602. Sample No. 56619-K.)

LIBEL FILED: July 25, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 26, 1948, from Fairmont, Minn.

PRODUCT: 71 cases, each containing 48 10½-ounce cans, of peas and carrots at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 14, 1949. Default decree of condemnation and destruction.

15342. Adulteration and misbranding of canned spinach. U. S. v. 125 Cases * * *.
(F. D. C. No. 27563. Sample No. 49813-K.)

LIBEL FILED: July 11, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about February 22, 1949, by the L. H. Moore Canning Co., from McAllen, Tex.

PRODUCT: 125 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Gallup, N. Mex.

LABEL, IN PART: (Can) "Marshall Seal Spinach * * * Distributed by Marshall Food Products Company, Marshalltown, Iowa [or "Distributed by Sales Producers Associates, Inc., Chicago, Ill."]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for canned spinach since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: August 10, 1949. Default decree of condemnation and destruction.

15343. Adulteration of pickles. U. S. v. Berger Foods Co., a partnership, and Archie H. Berger. Pleas of nolo contendere. Partnership fined \$850; individual defendant fined \$200. (F. D. C. No. 27505. Sample Nos. 27705-K, 45800-K, 60766-K.)

INFORMATION FILED: August 9, 1949, Eastern District of Missouri, against the Berger Foods Co., St. Louis, Mo., and Archie H. Berger, plant manager.

ALLEGED SHIPMENT: On or about January 28 and March 28, 1949, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Berger's Sweet [or "Sour"] Pickles" or "Tast. Good Brand Sweet Pickles * * * Packed For Empire Distributing Co., St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments

and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 23, 1949. A plea of nolo contendere having been entered, the partnership was fined \$850 and the individual defendant \$200.

TOMATOES AND TOMATO PRODUCTS *

15344. Adulteration of canned tomatoes. U. S. v. Westwood Canning Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 27508. Sample Nos. 10984-K, 10985-K, 46259-K, 62150-K.)

INFORMATION FILED: August 10, 1949, Southern District of Indiana, against Westwood Canning Co., Inc., Westwood, Ind.

ALLEGED SHIPMENT: On or about October 9 and December 10, 1948, and February 17, 1949, from the State of Indiana into the States of Connecticut and Missouri.

LABEL, IN PART: "Connecticut Valley [or "Elizabeth Park"] Brand Tomatoes Distributed by Arthur S. Vogel, Hartford, Conn.," "Red Gem Tomatoes * * * Packed By Westwood Canning Co., Inc.," or "Seal of Merit Tomatoes * * * Packed for Miner, Read & Tullock, Inc. New Haven, Conn."

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in part of a filthy substance by reason of the presence of vinegar fly eggs, scavenger fly eggs, *Drosophila* fly eggs, and maggots; and, Section 402(a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1949. A plea of guilty having been entered, the defendant was fined \$500.

15345. Misbranding of canned tomatoes. U. S. v. 262 Cases * * *. (F. D. C. No. 27303. Sample No. 1726-K.)

LIBEL FILED: June 3, 1949, Middle District of Georgia.

ALLEGED SHIPMENT: On or about February 16, 1949, by A. L. Palmer, from Kilmarnock, Va.

PRODUCT: 262 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Ga.

LABEL, IN PART: (Can) "Red-Glo Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403(h) (1), the product fell below the standard of quality for canned tomatoes because of its low drained weight, as determined by the sieve test set forth in the standard, and because of the presence of excessive peel, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: June 28, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15346. Adulteration of tomato catsup. U. S. v. F. B. Huxley & Son, Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 27518. Sample No. 10993-K.)

INFORMATION FILED: September 2, 1949, Western District of New York, against F. B. Huxley & Son, Inc., Ontario, N. Y.

*See also Nos. 15303-15305.

ALLEGED SHIPMENT: On or about November 9, 1948, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Huxson Brand Catsup."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 11, 1949. A plea of guilty having been entered, the defendant was fined \$150.

15347. Adulteration of tomato catsup and tomato puree. U. S. v. Finer Foods Packing Corp. Plea of guilty. Fine, \$500. (F. D. C. No. 27499. Sample Nos. 25694-K, 46154-K, 46155-K, 46266-K, 46267-K, 51419-K.)

INFORMATION FILED: August 29, 1949, Southern District of Indiana, against the Finer Foods Packing Corp., Terre Haute, Ind.

ALLEGED SHIPMENT: Between the approximate dates of January 25 and April 7, 1949, from the State of Indiana into the States of Iowa, Illinois, Missouri, and Kentucky.

LABEL, IN PART: "Garden City [or "Pan American"] Brand Tomato Catsup" and "Garden City Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: November 23, 1949. A plea of guilty having been entered, the defendant was fined \$500.

15348. Adulteration of tomato puree. U. S. v. 300 Cases * * *. (F. D. C. No. 27722. Sample No. 45755-K.)

LIBEL FILED: August 25, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 11, 1949, by Mays Packing Co., Inc., from Mays, Ind.

PRODUCT: 300 cases, each containing 6 cans, of tomato puree at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 20, 1949. Default decree of condemnation and destruction.

15349. Adulteration of tomato puree. U. S. v. 138 Cases * * *. (F. D. C. No. 27667. Sample No. 45745-K.)

LIBEL FILED: July 29, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 22, 1949, by Mays Packing Co., Inc., from Mays, Ind.

PRODUCT: 138 cases, each containing 6 6-pound, 6-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: (Can) "A-Mays-U Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 23, 1949. Default decree of condemnation and destruction.

15350. Adulteration of tomato puree. U. S. v. 10 Cases * * *. (F. D. C. No. 27441. Sample No. 44846-K.)

LIBEL FILED: June 29, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about March 22, 1949, by the Columbia Conserve Co., Inc., from Indianapolis, Ind.

PRODUCT: 10 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Duluth, Minn.

LABEL, IN PART: "Columbia Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 8, 1949. A default decree was entered, providing for destruction of the product unless denatured and disposed of as animal feed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15301 TO 15350

PRODUCTS

	N. J. No.		N. J. No.
Asparagus, frozen	15337	vegetables and vegetable prod-	
Bakery products	15313-15315	ucts	15337-15343
Beans, green, canned	15338	Greens, mustard and turnip,	
Beverages and beverage mate-		canned	15340
rials	15301-15306	Ice cream cones	15315
Blackberries, frozen	15334	Jelly eggs	15308
Bread and rolls	15313	Lactalbumin	15326
Butter	15322-15324	Malted milk powder	15327
Candy	15307-15312	Maple sugar candy	15312
Catsup, tomato	15346, 15347	Marshmallow eggs	15308
Cereals and cereal products	15313-15321	Mustard greens, canned	15340
Cherries, canned	15331	Oleomargarine	15325
Chocolate coating	15334	Pastry flour	15321
Coffee, green	15301, 15302	Peaches, sliced, frozen	15334, 15336
Cones, ice cream	15315	Peas and carrots, canned	15341
Cookies	15314	Pickles	15343
Corn, canned	15339	Pineapple, crushed, canned	15332
meal	15316-15318	frozen	15334
Crab meat	15330	Raspberries, canned	15333
Dairy products	15322-15327	Rolls. See Bread and rolls.	
Easter eggs, milk chocolate	15310	Shellfish. See Fish and shellfish.	
Eggs, Easter, milk chocolate	15310	Shrimp, frozen	15329
jelly and marshmallow	15308	Sirup, beverage	15306
Fish and shellfish	15328-15330	Spinach, canned	15342
Flour	15319-15321	Strawberries, frozen	15334, 15335
Fruits and vegetables	15303-15305, 15331-15350	Tomato (es), canned	15344, 15345
fruit, canned	15331-15333	catsup	15346, 15347
frozen	15334-15336	juice	15303-15305
tomatoes and tomato prod-		puree	15347-15350
ucts	15303-15305, 15344-15350	Tullibeas, frozen	15328
		Turnip greens, canned	15340
		Vegetables. See Fruits and	
		vegetables.	

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Altabe, V. B.:		Great Atlantic & Pacific Tea Co.:	
milk chocolate Easter eggs and		tomato juice-----	15304
milk chocolate rabbits-----	15310	Heart of America Baking Co.	
Arkansas Valley Canning Co.:		<i>See</i> Moles, P. W.	
canned green beans-----	15338	Huxley, F. B., & Son, Inc.:	
Atkinson Milling Co.:		tomato catsup-----	15346
flour-----	15319	Kalmbach-Burckett Co., Inc.:	
Bateman Frozen Foods Co.:		corn meal-----	15316
frozen strawberries-----	15335	Kirschner, Joseph:	
sliced peaches-----	15336	milk chocolate Easter eggs and	
Berger, A. H.:		milk chocolate rabbits-----	15310
pickles-----	15343	Marshall Canning Co.:	
Berger Foods Co.:		tomato juice-----	15303
pickles-----	15343	Marshall Food Products Co.:	
Bodner, M.:		canned spinach-----	15342
frozen tullibeas-----	15328	Mays Packing Co., Inc.:	
Bresky, Henry, & Sons:		tomato puree-----	15348, 15349
frozen strawberries, frozen		Miner, Read & Tullock, Inc.:	
sliced peaches, frozen		canned tomatoes-----	15344
crushed pineapple, frozen		Moles, P. W.:	
blackberries, and chocolate		cookies-----	15314
coating-----	15334	Moore, L. H., Canning Co.:	
Chocolate Creations, Inc.:		canned spinach-----	15342
milk chocolate Easter eggs and		Morgan Packing Co.:	
milk chocolate rabbits-----	15310	tomato juice-----	15305
Clarksville Canning Co.:		National Milk Sugar Co.:	
canned corn-----	15339	lactalbumin-----	15326
Clyde Canning Co.:		Neuse Crab & Oyster Co.:	
tomato juice-----	15303	crab meat-----	15330
Columbia Conserve Co., Inc.:		Norfish Sales Co.:	
tomato puree-----	15350	frozen shrimp-----	15329
Commercial Candy Mfg. Co.:		Palmer, A. L.:	
candy-----	15308	canned tomatoes-----	15345
Coombs, R. G.:		Pan American Candy Co.:	
maple butternut fudge-----	15311	candy-----	15309
Cudahy Packing Co.:		Peters Bakery, Inc.:	
oleomargarine-----	15325	bread and rolls-----	15313
Dextora Co.:		Plesset, C. I.:	
malted milk powder-----	15327	candy-----	15307
Dulany, John H., & Son, Inc.:		Sales Producers Associates, Inc.:	
frozen asparagus-----	15337	canned spinach-----	15342
Dwan's Home Canning Co.:		Schulze, Paul A., Co.:	
canned raspberries-----	15333	butter-----	15322, 15323
Empire Distributing Co.:		Sterling Specialty Co.:	
pickles-----	15343	candy-----	15307
Finer Foods Packing Corp.:		Stratton & Co., Inc.:	
tomato catsup and tomato		pastry flour-----	15321
puree-----	15347	Tell City Coca-Cola Bottling Co.:	
Gold Prize Coffee Co.:		sirup-----	15306
malted milk powder-----	15327		

	N. J. No.		N. J. No.
Tri-State Butter Co.:		Vogel, A. S.:	
butter-----	15324	canned tomatoes-----	15344
Turnbull, W. W.:		Wegner Canning Corp.:	
ice cream cones-----	15315	canned cherries-----	15331
Turnbull Cone Baking Co.:		Westwood Canning Co., Inc.:	
ice cream cones-----	15315	canned tomatoes-----	15344
Vermont Confectionery Co., Inc.:		Wilkins-Rogers Milling Co.,	
maple sugar candy-----	15312	Inc.:	
Vermont Maple Tree Sugar Co.		corn meal-----	15317
<i>See Vermont Confectionery</i>			
Co., Inc.			

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15351-15400

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 12, 1950.

CONTENTS

	Page		Page
Beverages and beverage materials.....	772	Fruits and vegetables—Cont.	
Cereals and cereal products....	773	Fresh fruit.....	780
Corn meal.....	773	Vegetables.....	781
Flour.....	774	Nuts and nut products.....	785
Miscellaneous cereals and cereal products.....	776	Vitamin, mineral, and other products of special dietary significance.....	787
Fish and shellfish.....	778	Index.....	789
Fruits and vegetables.....	779		
Canned fruit.....	779		

BEVERAGES AND BEVERAGE MATERIALS

15351. Adulteration of canned citrus cocktail. U. S. v. 76 Cases * * *.
(F. D. C. No. 27831. Sample No. 56614-K.)

LIBEL FILED: September 27, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 10, 1946, from Anaheim, Calif.

PRODUCT: 76 cases, each containing 12 1-quart, 14-ounce cans, of citrus cocktail at Peekskill, N. Y. Examination showed that the product was contaminated with lacquer from the cans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of lacquer. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 29, 1949. Default decree of condemnation and destruction.

15352. Misbranding of canned reconstituted orange juice. U. S. v. 139 Cases * * *.
(F. D. C. No. 27826. Sample No. 1489-K.)

LIBEL FILED: September 9, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 11, 1949, by the J. William Horsey Corp., from Plant City, Fla.

PRODUCT: 139 cases, each containing 24 1-pint, 2-ounce cans, of reconstituted orange juice at Mount Airy, N. C.

LABEL, IN PART: (Can) "Florida Crest Brand Reconstituted Orange Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Reconstituted Orange Juice This pasteurized juice has been processed by concentration and subsequent replacement of the approximate volume of water removed in concentration," together with the vignette depicting oranges and a glass of orange juice, represented and suggested that the article was comparable in all respects, including ascorbic acid content, to orange juice. The statements were false and misleading since the label failed to reveal the fact material in the light of such representations and suggestions that the article contained substantially less ascorbic acid than canned orange juice.

DISPOSITION: October 14, 1949. Default decree of condemnation and destruction.

15353. Adulteration of coffee sweepings. U. S. v. 36 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 27771, 27773. Sample Nos. 56515-K to 56518-K, incl.)

LIBELS FILED: August 19 and 25, 1949, Southern District of New York.

ALLEGED SHIPMENT: The product was imported into the United States from foreign countries at various times.

PRODUCT: 36 135-pound bags, 23 130-pound bags, and 20 132-pound bags of coffee sweepings at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of the presence of dirty and crushed coffee beans, rodent excreta, manure fragments, wood splinters, coal fragments, and clumps of dirt; and a portion of the article consisted in whole or in part of a decomposed substance

and was otherwise unfit for food by reason of the presence of mold and foreign mineral substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 10, 1949. Default decrees of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

CORN MEAL

15354. Adulteration of corn meal. U. S. v. 1,897 Bags * * *. (F. D. C. No. 27744. Sample Nos. 47745-K to 47747-K, incl.)

LIBEL FILED: September 9, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about July 30 and August 16 and 20, 1949, by the Cadick Milling Co., from Grand View, Ind.

PRODUCT: 510 5-pound bags, 882 10-pound bags, and 505 25-pound bags of corn meal at Bluefield, W. Va.

LABEL, IN PART: "Ballard Degerminated White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 12, 1949. The Cadick Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

15355. Adulteration and misbranding of corn meal. U. S. v. 172 Bags * * *. (F. D. C. No. 27788. Sample No. 53990-K.)

LIBEL FILED: On or about August 26, 1949, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about July 27, 1949, by the B & W Mill & Elevator Co., from Red Bay, Ala.

PRODUCT: 172 25-pound bags of corn meal at Clarksdale, Miss. Examination showed that the product contained rodent excreta fragments, rodent hair, and insect fragments, and that each pound of the product contained less than 2 mg. of thiamine, less than 1.2 mg. of riboflavin, and less than 13 mg. of iron.

LABEL, IN PART: "Enriched * * * Sunshine Bolted White Corn Meal Sunshine Mills Red Bay, Ala."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article purported to be, and was represented as, enriched bolted white corn meal, and it failed to contain the amount of thiamine, riboflavin, and iron prescribed under the regulations relating to the definition and standard of identity for enriched bolted white corn meal.

DISPOSITION: September 27, 1949. Default decree of condemnation and destruction.

15356. Adulteration of corn meal. U. S. v. 45 Bags * * *. (F. D. C. No. 27577. Sample No. 42896-K.)

LIBEL FILED: July 14, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 21, 1949, by Wilson Corn Products, Inc., from Rochester, Ind.

PRODUCT: 45 100-pound bags of corn meal at Brooklyn, N. Y.

LABEL, IN PART: "Wilson's Southern Plantation Yellow Granulated Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and rodent excreta.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

FLOUR

Nos. 15357 to 15364 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15357. Adulteration of plain flour and self-rising flour. U. S. v. Weyers Cave Milling Co., Inc., and Luther R. Saufley. Pleas of guilty. Corporation fined \$150; individual defendant fined \$60. (F. D. C. No. 27534. Sample Nos. 2322-K, 40270-K, 40271-K.)

INFORMATION FILED: September 30, 1949, Western District of Virginia, against Weyers Cave Milling Co., Inc., Weyers Cave, Va., and Luther R. Saufley, secretary-manager.

ALLEGED SHIPMENT: On or about May 2, 1949, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Full Moon Flour Enriched" or "Neverfail [or "Valley Cream"] Self-Rising Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect larvae, larval head capsules, insect fragments, setae, mites, rodent hair fragments, feather fragments, and moth wing scales; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: September 30, 1949. A plea of guilty having been entered, the corporation was fined \$150 and the individual defendant was fined \$60.

15358. Adulteration of self-rising flour and phosphated flour. U. S. v. 15 Bales, etc. (F. D. C. No. 27706. Sample Nos. 61217-K to 61219-K, incl.)

LIBEL FILED: August 30, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 25 and May 5, 1949, from Shawnee, Okla.

PRODUCT: 15 bales, each containing 10 5-pound bags, of self-rising flour; and 19 bales, each containing 10 5-pound bags, and 6 bales, each containing 25 2-pound bags, of phosphated flour at Little Rock, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect infested. The

article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 13, 1949. Default decree of destruction.

15359. Adulteration of flour. U. S. v. 244 Bags * * *. (F. D. C. No. 27719. Sample No. 45153-K.)

LIBEL FILED: August 24, 1949, Northern District of Iowa.

ALLEGED SHIPMENT: On or about June 24, 1949, from Valley City, N. Dak.

PRODUCT: 244 100-pound bags of flour at Mason City, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 24, 1949. Default decree of condemnation. The court ordered that the product be sold to the highest bidder on condition that it be denatured and disposed of as animal feed.

15360. Adulteration of flour. U. S. v. 14 Bags, etc. (F. D. C. No. 27590. Sample Nos. 47813-K, 47814-K.)

LIBEL FILED: July 21, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 14 and April 20, 1949, from Springfield, Ill., and Lexington, Nebr.

PRODUCT: 83 100-pound bags of flour at Fredericksburg, Va., in possession of Snellings & Minor Wholesale Grocery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1949. Snellings & Minor Wholesale Grocery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as stock feed, under the supervision of the Food and Drug Administration.

15361. Adulteration of flour. U. S. v. 76 Bags * * *. (F. D. C. No. 27805. Sample No. 11763-K.)

LIBEL FILED: August 31, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about May 11, 1949, from Red Wing, Minn.

PRODUCT: 76 100-pound bags of flour at New Haven, Conn., in the possession of the Connecticut Bakers & Grocers Supply Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 26, 1949. The Connecticut Bakers & Grocers Supply Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under

bond for segregation, under the supervision of the Federal Security Agency. The attempt at segregation proved unsuccessful, and, accordingly, the entire amount of the product was denatured for use as an ingredient in the manufacture of paste.

15362. Adulteration of flour. U. S. v. 45 Bags * * *. (F. D. C. No. 27614. Sample No. 1590-K.)

LIBEL FILED: August 5, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 30, 1949, from Minneapolis, Minn.

PRODUCT: 45 100-pound bags of flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 31, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15363. Adulteration of cake flour. U. S. v. 49 Bags * * *. (F. D. C. No. 27733. Sample No. 43224-K.)

LIBEL FILED: September 2, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about May 4, 1949, from Evansville, Ind.

PRODUCT: 49 100-pound bags of cake flour at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 10, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15364. Adulteration of corn flour. U. S. v. 12 Bags * * *. (F. D. C. No. 27716. Sample No. 60528-K.)

LIBEL FILED: September 2, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 25, 1949, from Milwaukee, Wis.

PRODUCT: 12 100-pound bags of corn flour at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of live larvae. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 10, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15365. Adulteration of popcorn. U. S. v. 69 Bags * * *. (F. D. C. No. 27713. Sample No. 7540-K.)

LIBEL FILED: August 23, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about April 28, 1949, from Evansville, Ind.

PRODUCT: 69 100-pound bags of popcorn at Rochester N. Y., in possession of Love's Confections, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 18, 1949. Default decree of condemnation. The court ordered that the product be disposed of for use as livestock feed.

15366. Adulteration of rice. U. S. v. 10 Sacks * * *. (F. D. C. No. 27762. Sample No. 34100-K.)

LIBEL FILED: September 26, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about January 25, 1949, from Stuttgart, Ark.

PRODUCT: 10 100-pound sacks of rice at San Francisco, Calif., in possession of the Golden Gate Grocery Co. (L. C. Chan Co.).

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1949. Default decree of condemnation and destruction.

15367. Adulteration of hominy grits. U. S. v. 315 Bags * * *. (F. D. C. No. 27781. Sample No. 63625-K.)

LIBEL FILED: August 24, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 11, 1949, from Birmingham, Ala.

PRODUCT: 315 100-pound bags of hominy grits at Tampa, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 21, 1949. The Southern Brewing Co., Tampa, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock or chicken feed, under the supervision of the Federal Security Agency.

15368. Adulteration of biscuit mix. U. S. v. 1 Drum * * *. (F. D. C. No. 27807. Sample No. 13822-K.)

LIBEL FILED: August 31, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 28, 1949, by the Mighty Good Baking Co., from Camden, N. J. This was a return shipment.

PRODUCT: 1 211-pound drum of biscuit mix at Philadelphia, Pa.

LABEL, IN PART: "Brokay Biscuit Mix (With Raisins) * * * Brokay Products * * * Phila, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: September 29, 1949. Default decree of condemnation and destruction.

FISH AND SHELLFISH

15369. Adulteration of frozen fish. U. S. v. 2,197 Pounds * * *. (F. D. C. No. 27804. Sample No. 56387-K.)

LIBEL FILED: On or about September 2, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about July 16, 1949, by Selkirk Fisheries, Ltd., from Winnipeg, Canada.

PRODUCT: 2,197 pounds of frozen fish in 13 boxes at New York, N. Y.

LABEL, IN PART: (Box) "Dr. White."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: September 21, 1949. Default decree of condemnation and destruction.

15370. Adulteration of haddock fillets. U. S. v. 4 Cans * * *. (F. D. C. No. 27720. Sample No. 11311-K.)

LIBEL FILED: August 26, 1949, Northern District of New York.

ALLEGED SHIPMENT: On or about August 9, 1949, from New Bedford, Mass.

PRODUCT: 4 cans, each containing 20 pounds, of haddock fillets at Binghamton, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 11, 1949. Default decree of condemnation and destruction.

15371. Adulteration of frozen mullet. U. S. v. 23 Boxes * * *. (F. D. C. No. 27796. Sample Nos. 63702-K, 63704-K.)

LIBEL FILED: On or about September 20, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 10, 1949, by Earl Campbell, from Jacksonville, Fla.

PRODUCT: 23 100-pound boxes of frozen mullet at Atlanta, Ga.

LABEL, IN PART: (Box) "Frozen Fish Mullet."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: October 28, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

15372. Adulteration of lobster meat. U. S. v. 189 Boxes * * *. (F. D. C. No. 27837. Sample Nos. 11312-K, 11313-K.)

LIBEL FILED: On September 13, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 16, 1949, by Edmond P. Melanson, St. Thomas, Kent County, New Brunswick, Canada.

PRODUCT: 189 boxes, each containing 48 14-ounce cans, of lobster meat at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: October 13, 1949. Edmond P. Melanson, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. An attempt to segregate the product proved unsuccessful, and, accordingly, the entire lot was destroyed.

15373. Misbranding of oysters. U. S. v. 568 Cans * * *. (F. D. C. No. 27979. Sample Nos. 2378-K, 2379-K.)

LIBEL FILED: November 9, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 4, 1949, by T. W. Hamilton & Co., from Lecato, Va.

PRODUCT: 568 cans of oysters at Portsmouth, Ohio.

LABEL, IN PART: "Oysters One Pint Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents: (The cans contained less than the declared volume of 1 pint.)

DISPOSITION: December 9, 1949. The consignee having consented, an order for the immediate destruction of the product was issued since the product had spoiled.

FRUITS AND VEGETABLES*

CANNED FRUIT

15374. Misbranding of canned apricots. U. S. v. 249 Cases * * *. (F. D. C. No. 27806. Sample No. 32656-K.)

LIBEL FILED: September 14, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 8, 1949, by the Tri-Valley Packing Assn., from Stockton, Calif.

PRODUCT: 249 cases, each containing 48 8¾-ounce cans, of apricots at Philadelphia, Pa.

LABEL, IN PART: (Can) "Food Club Halves Unpeeled Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be, and was represented as, canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as such definition and standard specifies, the name of the optional packing medium present in the article. The label of the article bore the statement "in Heavy Syrup," whereas the article was packed in sirup designated as "light sirup" in such standard.

DISPOSITION: October 5, 1949. The Penn Fruit Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

*See also Nos. 15351, 15352.

15375. Misbranding of canned peaches. U. S. v. 24 Cases * * *. (F. D. C. No. 27784. Sample No. 32635-K.)

LIBEL FILED: August 22, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about July 19, 1949, by the Richmond-Chase Co., from San Jose, Calif.

PRODUCT: 24 cases, each containing 48 1-pound cans, of peaches at Elizabeth, N. J.

LABEL, IN PART: (Cans) "Heart's Delight Sliced Yellow Cling Peaches in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be, and was represented as, canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the regulations, the name of the optional packing medium present since the label bore the statement "in Heavy Syrup," whereas the product was packed in "light sirup."

DISPOSITION: November 7, 1949. The Richmond-Chase Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

5376. Misbranding of canned peaches. U. S. v. 49 Cases * * *. (F. D. C. No. 27811. Sample No. 50200-K.)

LIBEL FILED: September 14, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 2, 1949, by J. C. Fracy & Co., from Dallas, Oreg.

PRODUCT: 49 cases, each containing 6 6-pound, 14-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Tracy's Brand Yellow Freestone Peach Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be, and was represented as, canned peaches, a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the optional packing medium present since the product was not packed in heavy sirup as designated on the label but was packed in slightly sweetened water.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches by reason of the presence of an excessive number of blemishes and an excessive variance in size of the halves; and all peach units were not untrimmed, or so trimmed as to preserve their normal shape; and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: December 1, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

FRESH FRUIT

15377. Adulteration of blueberries. U. S. v. 71 Crates, etc. (F. D. C. No. 27854. Sample No. 11963-K.)

LIBEL FILED: August 5, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1949, by Nick Lasinchak, from Jermyn, Pa.

PRODUCT: 71 crates, each containing 24 quarts, of blueberries at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

15378. Adulteration of blueberries. U. S. v. 1 Crate, etc. (and 2 other seizure actions). (F. D. C. Nos. 27853, 27858, 27863. Sample Nos. 7750-K, 47325-K, 47402-K.)

LIBELS FILED: July 27 and 29 and August 2, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25 and August 1, 1949, by Simon Puras, from Tobyhanna, Pa.

PRODUCT: 64 1-quart baskets of blueberries, and 3 crates, each containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product contained maggots and thrips.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22 and 30, 1949. Default decrees of condemnation and destruction.

15379. Adulteration of blueberries. U. S. v. 1 Crate, etc. (F. D. C. No. 27855. Sample No. 47321-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by Mrs. J. Alonis, from Tobyhanna, Pa.

PRODUCT: 22 quarts, and 1 crate containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots or larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

VEGETABLES

15380. Adulteration of canned asparagus. U. S. v. 21 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27580, 27581. Sample Nos. 1672-K, 1673-K.)

LIBELS FILED: July 20, 1949, Southern District of Georgia.

ALLEGED SHIPMENT: On or about May 12, 1949, by Walter P. Rawl, from Gilbert, S. C.

PRODUCT: 97 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Augusta, Ga.

LABEL, IN PART: "Medium [or "Large"] Spears Carolina Green Asparagus."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for asparagus spears, which the product was represented to be. The product was packed in an excessive amount of water.

DISPOSITION: September 8, 1949. Walter P. Rawl, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be labeled as slack filled, with a statement of the actual drained weight, as compared with the amount of asparagus the consumer expects to receive, under the supervision of the Food and Drug Administration.

15381. Misbranding of canned green beans. U. S. v. 87 Cases * * *. (F. D. C. No. 27711. Sample No. 53812-K.)

LIBEL FILED: August 24, 1949, Northern District of Alabama.

ALLEGED SHIPMENT: On or about May 31, 1949, by J. C. La Rue Co., Inc., from Meridian, Miss.

PRODUCT: 87 cases, each containing 24 1-pound, 3-ounce cans, of green beans at Albertville, Ala.

LABEL, IN PART: "Del Haven Brand Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: September 26, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, to be used for human consumption or for animal feed.

15382. Adulteration of soybeans. U. S. v. 75 Bags * * *. (F. D. C. No. 27760. Sample No. 58218-K.)

LIBEL FILED: September 21, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about April 22, 1949, from Evansville, Ind.

PRODUCT: 75 100-pound bags of soybeans at Arlington, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1949. Default decree of condemnation. The court ordered that the product be sold for use as cattle feed, under the supervision of the United States marshal.

15383. Adulteration of frozen corn on cob. U. S. v. 23 Cartons * * *. (F. D. C. No. 27717. Sample No. 30212-K.)

LIBEL FILED: August 23, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about March 25, 1949, by H. H. Huber, from Olympia, Wash.

PRODUCT: 23 cartons, each containing 7 dozen ears, of frozen corn at Ocean Park, Calif.

LABEL, IN PART: "Cobcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its abnormal and repulsive flavor.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

15384. Adulteration and misbranding of canned corn. U. S. v. 137 Cases * * *.
(F. D. C. No. 27818. Sample No. 46309-K.)

LIBEL FILED: September 19, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 2, 1949, by Bettendorff Select Foods, Inc., from St. Louis, Mo. This was a return shipment.

PRODUCT: 137 cases each containing 24 1-pound, 4-ounce cans, of corn at Tuscola, Ill.

LABEL, IN PART: (Can) "Can-D-Lite Brand Sweet Corn White Cream Style
* * * Packed For Su Mar Foods, Inc. Headquarters Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned cream style corn since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: September 24, 1949. The Douglas County Canning Co., Tuscola, Ill., having appeared as claimant and admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

15385. Adulteration and misbranding of canned corn. U. S. v. 30 Cases * * *.
(F. D. C. No. 27852. Sample No. 63710-K.)

LIBEL FILED: On or about September 27, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 8, 1949, by the Tom Corwin Canning Co., from Lebanon, Ohio.

PRODUCT: 30 cases, each containing 6 No. 10 cans, of canned corn at Atlanta, Ga.

LABEL, IN PART: (Can) "Honey Dew Contents 1 Lb. 4 Oz. Country Gentleman Sugar Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were labeled "1 Lb. 4 Oz.," while the average net weight was 6 pounds, 15.5 ounces.) Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned cream style corn since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: October 28, 1949. Default decree of condemnation and destruction.

15386. Adulteration and misbranding of canned corn. U. S. v. 28 Cases * * *.
(F. D. C. No. 27575. Sample Nos. 61212-K, 62052-K.)

LIBEL FILED: August 31, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about March 9 and April 5, 1949, by the Tom Corwin Canning Co., from Lebanon, Ohio.

PRODUCT: 28 cases, each containing 6 6-pound, 10-ounce cans, of corn at Jonesboro, Ark.

LABEL, IN PART: (Can) "Red Rose Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for canned corn since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: September 28, 1949. Default decree of destruction.

15387. Adulteration and misbranding of canned corn. U. S. v. 23 Cases * * *.
(F. D. C. No. 27786. Sample No. 61118-K.)

LIBEL FILED: August 22, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 23, 1949, by the Douglas County Canning Co., from Tuscola, Ill.

PRODUCT: 23 cases, each containing 24 1-pound, 4-ounce cans, of corn at St. Louis, Mo.

LABEL, IN PART: (Can) "Once-Always Cream Style Golden Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned corn since it had not been sealed in a container and so processed by heat as to prevent spoilage, as required by the definition and standard.

DISPOSITION: September 23, 1949. Default decree of condemnation and destruction.

15388. Misbranding of canned mushrooms. U. S. v. 58 Cases, etc. (F. D. C. No. 27566. Sample No. 56611-K.)

LIBEL FILED: July 14, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about June 13, 1949, by the K-B Products Corp., from New York, N. Y.

PRODUCT: Canned mushrooms. 58 cases, each containing 24 3½-ounce cans, and 37 cases, each containing 24 7-ounce cans, at East Hartford, Conn.

LABEL, IN PART: "Knaust Brand * * * Better Halves Sauté Mushrooms In Butter * * * Made of Mushroom Halves, Butter & Salt."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Sauté Mushrooms In Butter" was false and misleading since the product was not sautéed but consisted of mushrooms, with added mushroom broth and a small amount of added butter, and the label statement "Made of Mushroom Halves, Butter & Salt" was false and misleading since the added mushroom broth was not declared.

DISPOSITION: September 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15389. Adulteration of dried split peas. U. S. v. 40 Bales, etc. (F. D. C. No. 27618. Sample No. 1588-K.)

LIBEL FILED: August 1, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 29, 1949, from Denver, Colo.

PRODUCT: 40 bales, each containing 24 1-pound packages, and 42 100-pound bags of dried split peas at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 31, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal or poultry feed.

NUTS AND NUT PRODUCTS

15390. Adulteration of filberts. U. S. v. 222 Bags, etc. (F. D. C. No. 25183. Sample Nos. 30344-K, 30345-K.)

LIBEL FILED: July 19, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about August 28, 1946, from Italy.

PRODUCT: 499 bags, each containing approximately 100 pounds, of filberts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and decomposed filberts, and was otherwise unfit for food by reason of the presence of empty shells. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 21, 1948. Rose Foods, Inc., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released to the claimant for the purpose of segregating, reconditioning, and/or fumigating, under the supervision of the Federal Security Agency. Of the 54,890 pounds of nuts seized, 51,806 pounds of fit nuts were salvaged.

15391. Adulteration of shelled peanuts. U. S. v. 21 Bags * * *. (F. D. C. No. 27697. Sample No. 47174-K.)

LIBEL FILED: August 16, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 26, 1949, from Suffolk, Va.

PRODUCT: 21 100-pound bags of shelled peanuts at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect infested. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 19, 1949. Default decree of condemnation and destruction.

15392. Adulteration of shelled pecans. U. S. v. 33 Boxes * * *. (F. D. C. No. 27385. Sample No. 16941-K.)

LIBEL FILED: May 25, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 22, 1949, by the McRae Pecan Products Co., from McRae, Ga.

PRODUCT: 33 30-pound boxes of shelled pecans at Milwaukee, Wis.

LABEL, IN PART: "Pecan Granules."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: October 11, 1949. Default decree of condemnation and destruction.

15393. Adulteration of grated coconut. U. S. v. 6 Bags * * *. (F. D. C. No. 27794. Sample No. 13821-K.)

LIBEL FILED: August 25, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 19, 1948, from Elmhurst, Long Island, N. Y.

PRODUCT: 6 100-pound bags of grated coconut at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1949. Default decree of condemnation and destruction.

15394. Adulteration of grated and shredded coconut. U. S. v. 215 Bags, etc. (F. D. C. No. 27847. Sample Nos. 1877-K, 1878-K.)

LIBEL FILED: On or about September 30, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 10, 18, and 23, 1948, from Havana, Cuba.

PRODUCT: 215 25-pound bags of grated coconut and 1,150 cases, each containing 48 4-ounce packages, of shredded coconut at West Palm Beach, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of polluted water. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1949. Default decree of forfeiture and destruction.

15395. Adulteration of peanut butter. U. S. v. 15 Cases * * *. (F. D. C. No. 27737. Sample No. 52001-K.)

LIBEL FILED: September 13, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 20, 1949, by Lik-Em Peanut Co., Inc., from Pittsburgh, Pa.

PRODUCT: 15 cases, each containing 24 16-ounce jars, of peanut butter at Sandusky, Ohio.

LABEL, IN PART: "Lik-'Em Creamy-Whipped Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 6, 1949. Default decree of condemnation and destruction.

15396. Adulteration of pecan meal. U. S. v. 17 Cases * * *. (F. D. C. No. 27723. Sample No. 62060-K.)

LIBEL FILED: August 25, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 13, 1949, by the Thompson Co., from Searcy, Ark.

PRODUCT: 17 30-pound cases of pecan meal at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: September 20, 1949. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15397. Adulteration and misbranding of Gold Medal vitamin B complex capsules. U. S. v. 72 Cartons * * *. (F. D. C. No. 27705. Sample No. 53892-K.)

LIBEL FILED: August 19, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 7, 1949, by the S. Pfeiffer Mfg. Co., from St. Louis, Mo.

PRODUCT: 72 cartons of Gold Medal vitamin B complex capsules at New Orleans, La.

LABEL, IN PART: "Gold Medal Vitamin B Complex Capsules Each Capsule contains * * * Niacinamide 10 mgms. (10000 gamma) Contents 40 Capsules."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacinamide, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Each Capsule contains * * * Niacinamide 10 mgms. (10000 gamma)" was false and misleading as applied to an article which contained less than the stated amount of niacinamide.

DISPOSITION: September 22, 1949. Default decree of condemnation and destruction.

15398. Adulteration and misbranding of cod liver oil tablets. U. S. v. 18 Bottles, etc. (F. D. C. No. 27567. Sample No. 60770-K.)

LIBEL FILED: July 14, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about December 20, 1948, and March 18, 1949, by McCoy's Products, Inc., from New York, N. Y.

PRODUCT: Cod liver oil tablets. 18 bottles, each containing 110 tablets, and 36 bottles, each containing 60 tablets, at Cairo, Ill.

LABEL, IN PART: "McCoy's Cod Liver Oil and Other Fish Liver Oil Extract Tablets * * * Each brown coated tablet contains not less than 2240 Vitamin A (U. S. P.) units * * * This box contains, in addition to McCoy's Tablets, ten red-coated mineral tablets containing small amounts (as salts) of ten essential body elements—Potassium, Iodine (as Potassium Iodide 0.0014 gm.), Zinc, Phosphorus, Iron, Copper, Sulphur, Magnesium, Manganese and Calcium. These red mineral tablets are intended solely to supplement the mineral content of the daily diet and are not for therapeutic use, nor in therapeutic dosage. Take only one red mineral tablet daily after any meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted.

Misbranding, Section 403 (j), the product purported to be, and was represented as, a food for special dietary uses by reason of its vitamin and mineral content; and its label failed to bear, as prescribed by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A and D, calcium, phosphorus, iodine, and iron, and the amounts of potassium,

zinc, copper, sulphur, magnesium, and manganese, furnished by a specified quantity of the product when consumed during a period of one day, and the statement "The need for magnesium, manganese and zinc in human nutrition has not been established."

DISPOSITION: August 23, 1949. Default decree of condemnation and destruction.

15399. Adulteration and misbranding of Fruitina tablets. U. S. v. 1 Drum

* * *. (F. D. C. No. 27764. Sample No. 51864-K.)

LIBEL FILED: September 26, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 3, 1949, from Detroit, Mich.

PRODUCT: 1 drum containing approximately 30,000 Fruitina tablets at Mansfield, Ohio.

LABEL, IN PART: "Tablets Fruitina With Multivitamins * * * Each tablet contains Vitamin A 2000 USP Units * * * Vitamin C 15 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and C, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each tablet contains Vitamin A 2000 USP Units * * * Vitamin C 15 mg." was false and misleading.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 7, 1949. Default decree of condemnation and destruction.

15400. Adulteration and misbranding of Gestavite tablets. U. S. v. 102 Bottles * * *. (F. D. C. No. 27604. Sample No. 1927-K.)

LIBEL FILED: On or about August 4, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about June 8, 1949, by the Pitman-Moore Co., from Indianapolis, Ind.

PRODUCT: 102 bottles, each containing 100 tablets, of Gestavite at Atlanta, Ga.

LABEL, IN PART: "Gestavite * * * Each tablet represents: * * * Vitamin D * * * 200 U. S. P. Units * * * One tablet contains the M. D. R. of Vitamin D."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statement "Each tablet represents: * * * Vitamin D * * * 200 U. S. P. Units * * * One tablet contains the M. D. R. of Vitamin D" was false and misleading since the product contained less than 200 U. S. P. Units of vitamin D. Further misbranding, Section 403 (j), the product purported to be, and was represented as, a food for special dietary uses by reason of its vitamin and mineral content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin B₁, iron, calcium, and phosphorus furnished by a specified quantity of the product when consumed during a period of one day.

DISPOSITION: September 7, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15351 TO 15400

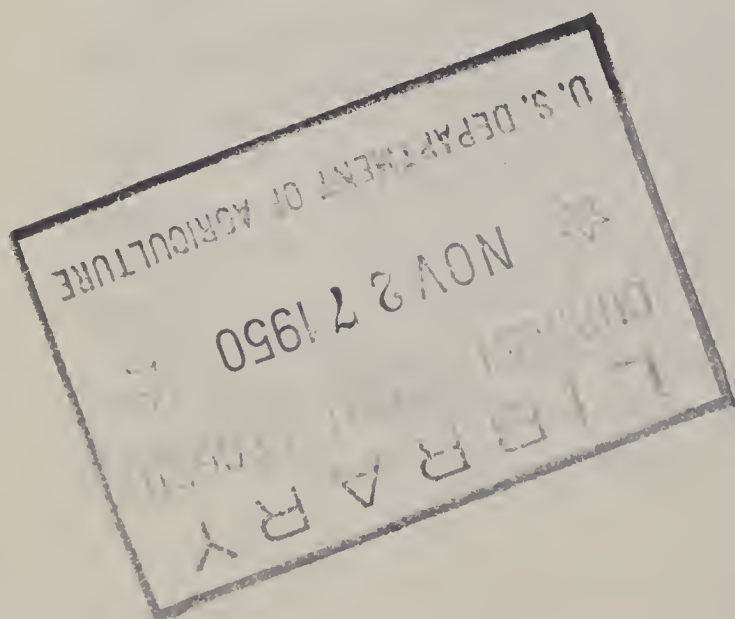
PRODUCTS

	N. J. No.		N. J. No.
Apricots, canned	15374	Grits, hominy	15367
Asparagus, canned	15380	Haddock fillets	15370
Beans, green, canned	15381	Hominy grits	15367
Beverages and beverage mate- rials	15351-15353	Lobster meat	15372
Biscuit mix	15368	Mullet, frozen	15371
Blueberries, fresh	15377-15379	Mushrooms, canned	15388
Cereals and cereal products	15354-15368	Nuts and nut products	15390-15396
Citrus cocktail, canned	15351	Oil, cod liver, tablets	15398
Coconut, grated	15393, 15394	Orange juice, reconstituted, canned	15352
shredded	15394	Oysters	15373
Cod liver oil tablets	15398	Pastry flour	15363
Coffee sweepings	15353	Peaches, canned	15375, 15376
Corn, canned	15384-15387	Peanut(s), butter	15395
flour	15364	shelled	15391
frozen, on cob	15383	Peas, split, dried	15389
meal	15354-15356	Pecan(s), meal	15396
Filberts	15390	shelled	15392
Fish and shellfish	15369-15373	Phosphated flour	15358
Flour	15357-15364	Popcorn	15365
Fruitina tablets	15399	Rice	15366
Fruits and vegetables ---	15351, 15352, 15374-15389	Self-rising flour	15357, 15358
fruit, canned	15374-15376	Shellfish. <i>See</i> Fish and shellfish.	
fresh	15377-15379	Soybeans	15382
vegetables	15380-15389	Vegetables. <i>See</i> Fruits and vege- tables.	
Gestavite tablets	15400	Vitamin, mineral and other prod- ucts of special dietary sig- nificance	15397-15400
Gold Medal vitamin B complex capsules	15397		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Alonis, Mrs. J.:		Connecticut Bakers & Grocers Supply Co., Inc.:	
fresh blueberries	15379	flour	15361
B & W Mill & Elevator Co.:		Corwin, Tom, Canning Co.:	
corn meal	15355	canned corn	15385, 15386
Bettendorff Select Foods, Inc.:		Douglas County Canning Co.:	
canned corn	15384	canned corn	15387
Brokay Products:		Golden Gate Grocery Co.:	
biscuit mix	15368	rice	15366
Cadick Milling Co.:		Hamilton, T. W., & Co.:	
corn meal	15354	oysters	15373
Campbell, Earl:		Horsey, J. William, Corp.:	
frozen mullet	15371	canned reconstituted orange juice	15352
Chan, L. C., Co. <i>See</i> Golden Gate Grocery Co.			

	N. J. No.		N. J. No.
Huber, H. H.:		Rawl, W. P.:	
frozen corn on cob-----	15383	canned asparagus-----	15380
K-B Products Corp.:		Richmond-Chase Co.:	
canned mushrooms-----	15388	canned peaches-----	15375
La Rue, J. C., Co., Inc.:		Saufley, L. R.:	
canned green beans-----	15381	plain flour and self-rising	
Lasinchak, Nick:		flour-----	15357
fresh blueberries-----	15377	Selkirk Fisheries, Ltd.:	
Lik-Em Peanut Co., Inc.:		frozen fish-----	15369
peanut butter-----	15395	Snellings & Minor Wholesale	
Love's Confections, Inc.:		Grocery:	
popcorn-----	15365	flour-----	15360
McCoy's Products, Inc.:		Su Mar Foods, Inc.:	
cod liver oil tablets-----	15398	canned corn-----	15384
McRae Pecan Products Co.:		Sunshine Mills:	
shelled pecans-----	15392	corn meal-----	15355
Melanson, E. P.:		Thompson Co.:	
lobster meat-----	15372	pecan meal-----	15396
Mighty Good Baking Co.:		Tracy, J. C., & Co.:	
biscuit mix-----	15368	canned peaches-----	15376
Pfeiffer, S., Mfg. Co.:		Tri-Valley Packing Assn.:	
Gold Medal vitamin B complex		canned apricots-----	15374
capsules-----	15397	Weyers Cave Milling Co., Inc.:	
Pitman-Moore Co.:		plain flour and self-rising	
Gestavite tablets-----	15400	flour-----	15357
Puras, Simon:		Wilson Corn Products, Inc.:	
fresh blueberries-----	15378	corn meal-----	15356



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15401-15450

FOODS

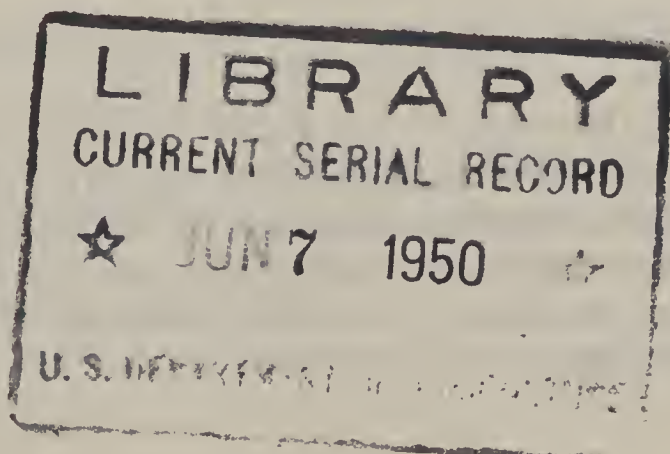
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 12, 1950.

CONTENTS

	Page		Page
Cereals and cereal products.....	792	Fish and shellfish.....	798
Bakery products.....	792	Fruits and vegetables.....	799
Flour.....	793	Dried fruit.....	799
Miscellaneous cereals and cereal products.....	794	Frozen fruit.....	801
Dairy products.....	795	Vegetables.....	802
Butter.....	795	Tomatoes and tomato products..	805
Cheese.....	796	Spices, flavors, and seasoning ma- terials.....	808
Miscellaneous dairy products....	797	Index.....	809



CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS**

15401. Adulteration of biscuits. U. S. v. 22 Boxes * * *. (F. D. C. No. 27886. Sample No. 47194-K.)

LIBEL FILED: September 27, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 30, 1949, by the Bon Egg Biscuit Co., from Chicago, Ill.

PRODUCT: 22 6-pound boxes of biscuits at Youngstown, Ohio.

LABEL, IN PART: "Bon Egg Biscuit."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 2, 1949. Default decree of condemnation and destruction.

15402. Adulteration of fruit cake. U. S. v. 2,000 Cases * * *. (F. D. C. No. 28228. Sample No. 13898-K.)

LIBEL FILED: October 20, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 25, 1949, by the H. Sherman Sales Co., from Chicago, Ill., and on or about July 16, 1949, by the Millhurst Mills, from Trenton, N. J.

PRODUCT: 2,000 cases, each containing 12 tins, of fruit cake at Shoemakersville, Pa.

LABEL, IN PART: (Tin) "Burry's Hampton Court Fruit Cake With Rum and Brandy Pounds Net—One and One Half Distributed By Burry Biscuit Corporation, Elizabeth, N. J., and Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its musty odor and rancid taste.

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

15403. Adulteration of Chinese cakes. U. S. v. 128 Cartons * * *. (F. D. C. No. 27576. Sample No. 56643-K.)

LIBEL FILED: July 13, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 22, 1949, by Lee & Lee Co., from New York, N. Y.

PRODUCT: 128 cartons, each containing 12 4-ounce packages, of Chinese cakes at Kearny, N. J.

LABEL, IN PART: (Package) "Toy Fong Chinese Cakes Almond Flavor."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 24, 1949. Default decree of condemnation. The court ordered that the product be destroyed, with the exception of 6 cartons which were ordered delivered to the Food and Drug Administration.

15404. Adulteration of ice cream cones. U. S. v. 31 Cans * * *. (F. D. C. No. 28044. Sample No. 61256-K.)

LIBEL FILED: October 25, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about September 8, 1949, by the Woolwine Cone Co., from Memphis, Tenn.

PRODUCT: 31 cans, each containing 7 pounds, of ice cream cones at Little Rock, Ark.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 14, 1949. Default decree of condemnation and destruction.

FLOUR

15405. Adulteration of flour. U. S. v. 64 Bags, etc. (F. D. C. No. 28052. Sample Nos. 63760-K, 63821-K to 63824-K, incl.)

LIBEL FILED: On or about October 27, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 10 and 24, 1949, from Alton, Ill.

PRODUCT: 143 100-pound bags of flour at Jacksonville, Fla., in possession of the American Warehouse Corp.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15406. Adulteration of pastry flour. U. S. v. 2 Bags * * *. (F. D. C. No. 27750. Sample No. 60546-K.)

LIBEL FILED: September 16, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 3, 1949, by Joseph T. Shufitowski, Inc., from Chicago, Ill.

PRODUCT: 2 100-pound bags of pastry flour at Gary, Ind.

LABEL, IN PART: "Cake Doughnut Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 24, 1949. Default decree of condemnation and destruction.

15407. Adulteration of blended wheat and rye flour. U. S. v. 21 Bags * * *.
(F. D. C. No. 27583. Sample No. 47816-K.)

LIBEL FILED: July 19, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 19 and June 2 and 23, 1949, from Buffalo, N. Y.

PRODUCT: 21 100-pound bags of blended wheat and rye flour at Richmond, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15408. Adulteration of popcorn. U. S. v. 15 Bags * * *. (F. D. C. No. 27884.
Sample No. 60554-K.)

LIBEL FILED: October 3, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 12, 1948, from Carnarvon, Iowa.

PRODUCT: 15 100-pound bags of popcorn at Chicago, Ill., in possession of Thomson Terminals, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 9, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

15409. Adulteration of rice, oatmeal, and prunes. U. S. v. 17 Bags, etc. (F. D. C. No. 25161. Sample Nos. 2813-K to 2815-K, incl., 40136-K to 40138-K, incl.)

LIBEL FILED: August 3, 1948, District of Maryland.

ALLEGED SHIPMENT: On or about August 29, September 25, and November 18, 1946, and March 25 and May 14, 1948, from Lockport, Ill., Oakland and San Leandro, Calif., Stuttgart, Ark., and Edgewater, N. J.

PRODUCT: 29 100-pound bags of rice, 4 100-pound bags of oatmeal, and 861 30-pound cases of prunes at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the rice and oatmeal consisted in whole or in part of filthy substances by reason of the presence of insects and insect fragments, and the prunes consisted in whole or in part of a decomposed substance by reason of the presence of mold. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 30, 1948. Institutional Foods, Inc., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and denaturing of the unfit portions, for use as animal feed.

A total of 11,000 pounds of prunes was classified as of passable quality and released; the remainder of the prunes, amounting to 14,830 pounds, was destroyed on or about July 5, 1949. The rice and oatmeal were denatured and converted into animal feed.

15410. Adulteration of brewers flakes. U. S. v. 136 Bags * * *. (F. D. C. No. 27694. Sample No. 52039-K.)

LIBEL FILED: August 22, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 7, 1949, from Mt. Vernon, Ind.

PRODUCT: 136 100-pound bags of brewers flakes at Milan, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect infested. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 15, 1949. Default decree of condemnation. The court ordered that the product be sold, conditioned that it be denatured and used for animal consumption.

15411. Adulteration of brewers corn flakes. U. S. v. 128 Bags * * *. (F. D. C. No. 27817. Sample No. 62731-K.)

LIBEL FILED: September 2, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 28, 1949, from Geneva, N. Y.

PRODUCT: 128 100-pound bags of brewers corn flakes at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 3, 1949. Default decree of condemnation and destruction.

15412. Adulteration of doughnut mix. U. S. v. 12 Bags, etc. (F. D. C. No. 27777. Sample Nos. 62510-K to 62512-K, incl.)

LIBEL FILED: August 16, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 28, 1949, by Dawn Donut Co., Inc., from Jackson, Mich.

PRODUCT: 60 100-pound bags of doughnut mix at Springfield, Mass.

LABEL, IN PART: "Special Handcut Prepared Donut Mixture," "Dawn Stick M Donut Mixture," or "Dawn Duchess Donut Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 3, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

15413. Adulteration of butter. U. S. v. 5,670 Pounds * * *. (F. D. C. No. 28080, Sample No. 16279-K.)

LIBEL FILED: August 10, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about July 19, 1949, by Koppenhofer Bros. Creamery, from Deshler, Ohio.

PRODUCT: 5,670 pounds of butter at Detroit, Mich. The butter was packaged in 90 63-pound cartons.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article contained insect and rodent filth.

DISPOSITION: September 12, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15414. Adulteration of butter. U. S. v. 2,675 Pounds * * *. (F. D. C. No. 28081. Sample No. 16280-K.)

LIBEL FILED: August 22, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about July 25, 1949, by the Highland Creamery Co., from Terre Haute, Ind.

PRODUCT: 2,675 pounds of butter at Detroit, Mich. The butter was in 1-pound prints.

LABEL, IN PART: (Parchment wrapper) "Spring Brook Brand, Creamery Butter Armour Creameries—Distributors—Gen'l Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article contained decomposed material and rodent and insect filth.

DISPOSITION: October 12, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15415. Adulteration of butter. U. S. v. 9 Cartons (576 pounds) * * *. (F. D. C. No. 28327. Sample No. 11993-K.)

LIBEL FILED: On or about October 19, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about September 26, 1949, by the Breda Creamery, from Breda, Iowa.

PRODUCT: 9 64-pound cartons of butter at Newark, N. J.

LABEL, IN PART: "Bulk Butter Distributed by Ritter & Sussman Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance since it contained fragments of flies and other insects, rodent hairs, mites, manure, and feather fragments; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 21, 1949. Default decree of condemnation. The court ordered that the product be denatured and sold to a soap manufacturer.

CHEESE

15416. Adulteration of cheese. U. S. v. 400 Pounds * * *. (F. D. C. No. 27848. Sample No. 62196-K.)

LIBEL FILED: September 19, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 29, 1949, by the Gloria Cheese Co., from Ellsworth, Maine.

PRODUCT: 400 pounds of cheese, in 2 barrels, at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1949. Default decree of condemnation and destruction.

15417. Adulteration of skim milk cheese. U. S. v. 70 Rims, etc. (F. D. C. No. 27849. Sample Nos. 11975-K to 11977-K, incl.)

LIBEL FILED: September 19, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about May 22 and 30 and June 17, 1949, by the Niobe Cheese Co., from Niobe, N. Y.

PRODUCT: 102 40-pound rims of skim milk cheese at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food since it was musty; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 29, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCTS

15418. Adulteration of malted milk. U. S. v. 30 Cans * * *. (F. D. C. No. 27725. Sample No. 30215-K.)

LIBEL FILED: August 25, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about July 19, 1949, by the Dextora Co., from Indianapolis, Ind.

PRODUCT: 30 10-pound cans of malted milk at Los Angeles, Calif.

LABEL, IN PART: "Esco Maid Malted Milk."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 18, 1949. Default decree of condemnation and destruction.

15419. Adulteration of nonfat dry milk solids. U. S. v. 250 Barrels * * *. (F. D. C. No. 27809. Sample No. 56659-K.)

LIBEL FILED: September 1, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 6, 1949, from Massena, N. Y.

PRODUCT: 250 200-pound barrels of nonfat dry milk solids at Weehawken, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food since it was caked and sour, resulting from immersion of the barrels in polluted harbor water. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 27, 1949. The New York Central Railroad, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the portion fit for animal feed be denatured and disposed of for such purpose, and that the remainder be destroyed, under the supervision of the Food and Drug Administration.

15420. Adulteration of lactalbumin. U. S. v. 1 Drum * * *. (F. D. C. No. 27638. Sample No. 56782-K.)

LIBEL FILED: August 17, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about April 19, 1949, by the National Milk Sugar Co., from Boscobel, Wis.

PRODUCT: 1 drum containing 244 pounds of lactalbumin at New York, N. Y.

LABEL, IN PART: (Sticker on drum) "Labco Brand Lactalbumin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1949. Default decree of condemnation and destruction.

FISH AND SHELLFISH

15421. Adulteration of frozen dressed halibut. U. S. v. 13 Boxes * * *. (F. D. C. No. 22115. Sample Nos. 63527-H, 63531-H.)

LIBEL FILED: December 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 5, 1946, by the Fisherman's Cooperative Federation, from Prince Rupert, British Columbia.

PRODUCT: 13 boxes, containing a total of 1,524 pounds, of frozen dressed halibut at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: January 28, 1947. Default decree of condemnation and destruction.

15422. Adulteration of frozen herring. U. S. v. 15 Boxes, etc. (F. D. C. No. 28348. Sample Nos. 47523-K, 47525-K.)

LIBEL FILED: November 14, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about September 26 and October 1, 1949, by Lake St. Peters Fisheries, Inc., from Montreal, Canada.

PRODUCT: 30 50-pound boxes of frozen herring at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: December 14, 1949. Default decree of condemnation and destruction.

15423. Adulteration of raw oysters. U. S. v. 976 Pints * * *. (F. D. C. No. 28375. Sample No. 52459-K.)

LIBEL FILED: November 23, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 16, 1949, by H. Allen Smith, from Norfolk, Va.

PRODUCT: 976 pints of raw oysters at Norwood, Ohio.

LABEL, IN PART: "Genuine Salt Water Oysters * * * Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to, and mixed and packed with, the article so as to increase its bulk or weight and reduce its quality.

DISPOSITION: November 23, 1949. The George H. Thomas Co., Norwood, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for removal of the excess water, under the supervision of the Federal Security Agency.

15424. Adulteration of frozen shrimp. U. S. v. 20 Cases * * *. (F. D. C. No. 27953. Sample Nos. 49292-K, 49293-K.)

LIBEL FILED: October 28, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about April 12, 1949, by the Marine Products Co., from San Diego, Calif.

PRODUCT: 20 cases, each containing 10 5-pound cartons, of frozen shrimp at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: December 14, 1949. Default decree of condemnation. The court ordered that the product be sold for use as animal feed.

FRUITS AND VEGETABLES

DRIED FRUIT*

15425. Adulteration of dried figs. U. S. v. 1,020 Cartons * * *. (F. D. C. No. 27748. Sample No. 55470-K.)

LIBEL FILED: September 14, 1949, District of Nebraska.

ALLEGED SHIPMENT: On or about July 26, 1949, by the Roeding Fig Co., from Fresno, Calif.

PRODUCT: 1,020 60-pound cartons of dried figs at Omaha, Nebr.

LABEL, IN PART: "Mecca Brand Sliced Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and dirty figs, and of a decomposed substance by reason of the presence of decomposed figs.

DISPOSITION: September 22, 1949. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

15426. Adulteration of dried figs. U. S. v. 716 Cases * * *. (F. D. C. No. 27878. Sample No. 49710-K.)

*See also No. 15409.

LIBEL FILED: September 27, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about August 12, 1949, by the Roeding Fig Co., from Fresno, Calif.

PRODUCT: 716 60-pound cases of dried figs at Denver, Colo.

LABEL, IN PART: "Mecca Brand Sliced Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold.

DISPOSITION: November 17, 1949. The Roeding Fig Co. having executed an Acceptance of Service and Authorization for Taking of Final Decree, judgment of condemnation was entered and the court ordered that the product be sold for use as hog feed.

15427. Adulteration of seedless raisins. U. S. v. 100 Cartons * * *. (F. D. C. No. 27996. Sample No. 62294-K.)

LIBEL FILED: September 22, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 27, 1945, from New York, N. Y.

PRODUCT: 100 30-pound cartons of seedless raisins at Cambridge, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy raisins. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 13, 1949. The Fanny Farmer Candy Shops, Inc., Cambridge, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Out of a total of 2,910 pounds of raisins which had been seized, 1,775 pounds were segregated as unfit and were destroyed.

15428. Adulteration of seedless raisins. U. S. v. 18 Cartons * * *. (F. D. C. No. 27820. Sample No. 11767-K.)

LIBEL FILED: September 6, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about July 13, 1949, from New York, N. Y.

PRODUCT: 18 30-pound cartons of seedless raisins at Bridgeport, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 18, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

15429. Adulteration of dried black raspberries. U. S. v. 10 Cartons * * *. (F. D. C. No. 27883. Sample No. 47199-K.)

LIBEL FILED: October 5, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 6, 1949, by I. N. Croucher & Son, Inc., from Canandaigua, N. Y.

PRODUCT: 10 25-pound cartons of dried black raspberries at Youngstown, Ohio.

LABEL, IN PART: - "Fancy Evap. Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1949. Default decree of condemnation and destruction.

FROZEN FRUIT

15430. Adulteration of frozen blueberries. U. S. v. 29 Crates, etc. (F. D. C. No. 28323. Sample No. 11982-K.)

LIBEL FILED: September 13, 1949, Northern District of New York.

ALLEGED SHIPMENT: On or about July 25 and 28 and August 3, 1949, by Frank Piwarski, from Peckville, Pa.

PRODUCT: 111 crates, each containing 24 quarts, of frozen blueberries at Binghamton, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: October 22, 1949. Default decree of condemnation and destruction.

15431. Adulteration of frozen blueberries. U. S. v. 28 Crates * * *. (F. D. C. No. 28322. Sample No. 11981-K.)

LIBEL FILED: September 7, 1949. Northern District of New York.

ALLEGED SHIPMENT: On or about July 15 and 22, 1949, by R. Straccuzzi, from Pittsfield, Mass.

PRODUCT: 28 crates, each containing 24 quarts, of frozen blueberries at Albany, N. Y. Analysis showed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: October 12, 1949. Default decree of condemnation and destruction.

15432. Adulteration of frozen sliced peaches. U. S. v. 119 Cans * * *. (F. D. C. No. 27810. Sample No. 11973-K.)

LIBEL FILED: September 2, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about July 19, 1949, by Southern Frozen Foods, Inc., from Monteruma, Ga.

PRODUCT: 119 30-pound cans of frozen sliced peaches at Newark, N. J.

LABEL, IN PART: (Can) "McKenzie's Frozen Fresh Foods Sliced Peaches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: November 7, 1949. Default decree of condemnation and destruction.

15433. Adulteration of frozen strawberries. U. S. v. 24 Cans * * *. (F. D. C. No. 27712. Sample No. 51884-K.)

LIBEL FILED: August 25, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 6, 1949, by Frigid Food Products, Inc., from Detroit, Mich.

PRODUCT: 24 30-pound cans of frozen strawberries at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: October 4, 1949. Default decree of destruction.

VEGETABLES

15434. Adulteration of canned mustard greens. U. S. v. Pharr Canning Co., Inc., and Goodwin Pharr. Pleas of nolo contendere. Finding of not guilty for corporation; individual defendant found guilty and placed on probation for 1 year. (F. D. C. No. 26806. Sample Nos. 23918-K, 29724-K.)

INFORMATION FILED: June 17, 1949, Western District of Arkansas, against the Pharr Canning Co., Inc., Van Buren, Ark., and Goodwin Pharr, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of November 15, 1948, and January 15, 1949, from the State of Arkansas into the States of Alabama and Colorado.

LABEL, IN PART: "Pharr's Finest * * * Mustard Greens" or "Vita Valley Brand * * * Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of flies, aphids, and other insects, and insect fragments.

DISPOSITION: September 30, 1949. Pleas of nolo contendere having been entered, the court made a finding of not guilty with respect to the corporation. The individual defendant was found guilty and was placed on probation for 1 year, without the requirement of reporting to the probation officer but with the understanding that the Food and Drug Administration would report to the court any violations of the Food, Drug, and Cosmetic Act made by this defendant.

15435. Adulteration of green split peas. U. S. v. 457 Bags * * *. (F. D. C. No. 28250. Sample No. 13424-K.)

LIBEL FILED: October 31, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 23, 1948, from Oakesdale, Wash.

PRODUCT: 457 100-pound bags of green split peas at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 7, 1949. Jacob Kauffman, Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured and sold for nonhuman consumption, under the supervision of the Food and Drug Administration.

15436. Adulteration of green split peas. U. S. v. 155 Bags * * *. (F. D. C. No. 28230. Sample No. 13422-K.)

LIBEL FILED: October 20, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 27, 1948, from Moscow, Idaho.

PRODUCT: 155 100-pound bags of green split peas at Philadelphia, Pa., in possession of Jacob Kauffman.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 7, 1949. Jacob Kauffman, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for denaturing and sale for nonhuman consumption, under the supervision of the Food and Drug Administration.

15437. Misbranding of canned peas. U. S. v. 351 Cases * * *. Tried to the court. Decree providing for release of portion of product and for condemnation and release under bond of remainder of product. (F. D. C. No. 21752. Sample No. 48831-H.)

LIBEL FILED: November 22, 1946, Eastern District of Texas.

ALLEGED SHIPMENT: On or about August 16, 1946, by Libby, McNeill & Libby, from Janesville, Wis.

PRODUCT: 351 cases, each containing 24 1-pound, 4-ounce cans, of peas at Beaumont, Tex.

LABEL, IN PART: "Happyvale Early June Peas * * * Emery Food Co., Chicago, Illinois, Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was below standard in quality because of alcohol-insoluble solids in excess of 23.5 percent, the maximum permitted by the standard, and not labeled to indicate that it was substandard.

DISPOSITION: The Emery Food Co. having appeared as claimant and denied that the product was misbranded, the case came on for trial before the court on November 8, 1948, and was concluded on November 9, 1948. Judgment was entered condemning certain codes and ordering their release under bond for relabeling, and ordering the remaining codes released without bond. The decree contained the following findings by the court:

BRYANT, District Judge: "It appearing from the pleadings and evidence introduced that the shipment of 351 cases, more or less, of peas, each case containing 24 cans, and each can bearing a code number, such code number having been embossed on each can by the canner, such code numbers being 3P28C TFPN, 4P28C TFPN, 5P27C TFPN, 7P27C TFPN, and 8P27C TFPN, and the Court being of the opinion that those cans bearing the respective numbers set out herein, constitute separate articles of food, the Court finds that such shipment of 351 cases, more or less, of peas, is composed of five separate articles of food, each article of food being designated by the code number embossed on the respective cans;

"And it further appearing that the claimant has offered no evidence as to the quality of the peas contained in those cans bearing code number 5P27C TFPN, but that from the pleadings and evidence introduced by the libelant, a per-

centage of the cans bearing such code number contains peas of substandard quality; and

"It appearing to the court and the court having found that the different code marks herein enumerated as embossed on the particular cans indicate that, according to the code mark, that the can was packed during a particular three hour period and on a certain day;

"And the court having determined and found that with rare exceptions, cans of only one code mark were and are found in a single case in said 351 cases of peas;

"It appearing from the pleadings and evidence introduced that those cans bearing code numbers 3P28C TFPN and 4P28C TFPN, contain peas of substandard quality, it is by the court ORDERED, ADJUDGED and DECREED that those cans of peas bearing code numbers 5P27C TFPN, 3P28C TFPN, and 4P28C TFPN, be, and the same are hereby condemned and forfeited to the libellant;

"The Court further finds from the pleadings and evidence introduced that the peas in those cans bearing code numbers 7P27C TFPN and 8P27C TFPN, are of standard quality and that the claimant is entitled to have those cans bearing code numbers 7P27C TFPN and 8P27C TFPN, released to it, without bond, for sale;

"It is therefore ORDERED, ADJUDGED and DECREED that upon payment of all costs of this proceeding by the claimant, the libellant release to the claimant or its authorized representative, without bond, those cans contained in said 351 cases, more or less, of peas, bearing code numbers 7P27C TFPN and 8P27C TFPN.

"It is further ORDERED, ADJUDGED and DECREED that upon payment of all costs of this proceeding by the claimant, and upon the claimant's filing a good and sufficient bond, within ----- days, in the penal sum of ----- Dollars, payable to the United States, conditioned that those cans of peas bearing code numbers 5P27C TFPN, 3P28C TFPN, and 4P28C TFPN, will not be sold or otherwise disposed of contrary to the provisions of this judgment, or any laws of the United States, State, District, Territory or Insular Possession of the United States, such cans of peas shall be delivered to the claimant for the purpose of relabeling such cans of peas under the supervision of the Federal Security Agency, Food and Drug Administration, and upon performance of all such conditions, the bond shall be deemed satisfied, otherwise to remain in full force and effect."

Following the entry of the above decree, a motion was filed on behalf of the Government, seeking the entry of a new judgment or, in the alternative, the granting of a new trial. This motion was denied on or about February 1, 1949.

15438. Alleged adulteration and misbranding of potatoes. U. S. v. Abe Kasviner. Plea of not guilty. Tried to the jury. Verdict of not guilty. (F. D. C. No. 23566. Sample Nos. 44379-H, 71509-H.)

INFORMATION FILED: On or about September 18, 1947, District of Nevada, against Abe Kasviner, Reno, Nev.

ALLEGED SHIPMENT: On or about February 14 and April 5, 1947, from the State of Nevada into the State of California.

LABEL, IN PART: (One shipment) "U. S. No. 1 Famous K Brand Russets." The other shipment was unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product in one shipment consisted in part of a filthy substance by reason of the presence of nematodes.

Misbranding, Section 403 (a), the statement "U. S. No. 1" displayed upon the label of the remaining shipment was false and misleading. The statement represented and created the impression that the article was U. S. No. 1 grade, whereas it was not U. S. No. 1 grade since the article had been damaged by nematodes.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on January 26, 1948. On January 29, 1948, the jury returned a verdict of not guilty.

TOMATOES AND TOMATO PRODUCTS

15439. Adulteration and misbranding of canned tomatoes. U. S. v. 1,230 Cases
* * *. (F. D. C. No. 27876. Sample No. 47744-K.)

LIBEL FILED: September 28, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about July 30, 1949, by Albert W. Sisk & Son, from Cambridge, Md.

PRODUCT: 1,230 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Logan, W. Va.

LABEL, IN PART: "Pride of the Field * * * Tomatoes Packed By Leonard Simmons, Madison, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes in the definition and standard.

DISPOSITION: November 5, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution since there was no substance in the product which made it unfit for human consumption.

15440. Adulteration and misbranding of canned tomatoes. U. S. v. 597 Cases
* * *. (F. D. C. No. 28057. Sample No. 47632-K.)

LIBEL FILED: October 17, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 10, 1949, by Albert W. Sisk & Son, from Salem, Md.

PRODUCT: 597 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Va.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

15441. Adulteration and misbranding of canned tomatoes. U. S. v. 165 Cases
* * *. (F. D. C. No. 28047. Sample No. 1942-K.)

LIBEL FILED: On or about October 13, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 26, 1949, by the Lively Canning Corp., from Lively, Va.

PRODUCT: 165 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Atlanta, Ga.

LABEL, IN PART: (Can) "Tomato Queen Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: November 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use on the premises.

15442. Adulteration and misbranding of canned tomatoes. U. S. v. 19 Cases * * * (and 4 other seizure actions). (F. D. C. No. 27889. Sample No. 63766-K.)

LIBELS FILED: October 12, 1949, Middle District of Georgia.

ALLEGED SHIPMENT: On or about August 5 and 8, 1949, the Lively Canning Corp. shipped from Lively, Va., to Cairo, Ga., 1,621 cases of canned tomatoes, and thereafter certain portions of the product were shipped from Cairo, Ga., to Amsterdam, Thomasville, and Attapulugus, Ga.

PRODUCT: 77½ cases, each full case containing 24 1-pound, 3-ounce cans, of tomatoes at Amsterdam, Thomasville, and Attapulugus, Ga.

LABEL, IN PART: "Tomato Queen Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes.

DISPOSITION: November 10, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use and not for sale.

15443. Misbranding of canned tomatoes. U. S. v. 54 Cases * * *. (F. D. C. No. 28255. Sample No. 61668-K.)

LIBEL FILED: October 31, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 22, 1949, by the Humboldt Canning Co., from Humboldt, Tenn.

PRODUCT: 54 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cairo, Ill.

LABEL, IN PART: (Can) "Forked Deer Brand * * * Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the color of the tomatoes was not of the strength and redness required by the standard, and the article was not labeled as substandard as required by the regulations.

DISPOSITION: December 16, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution for its use and not for sale.

15444. Adulteration of tomato puree. U. S. v. 79 Cases * * *. (F. D. C. No. 28051. Sample No. 62653-K.)

LIBEL FILED: On or about October 20, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 10, 1949, by James Ferrera & Sons, Inc., from Boston, Mass.

PRODUCT: 79 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Providence, R. I.

LABEL, IN PART: (Can) "Valley Brand Tomato Puree * * * Packed By Del Paso Canning Co., North Sacramento California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition, and it was otherwise unfit for food by reason of its metallic flavor.

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

15445. Adulteration of tomato puree. U. S. v. 77 Cases * * *. (F. D. C. No. 28060. Sample No. 62615-K.)

LIBEL FILED: October 18, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 21, 1948, from Sacramento, Calif.

PRODUCT: 77 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition, and it was otherwise unfit for food by reason of its metallic flavor. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 28, 1949. Default decree of condemnation and destruction.

15446. Adulteration of tomato puree. U. S. v. 49 Cases * * *. (F. D. C. No. 26916. Sample No. 51621-K.)

LIBEL FILED: April 5, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about March 15, 1949, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 49 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Louisville, Ky.

LABEL, IN PART: "Scott Co. Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

SPICES, FLAVORS, AND SEASONING MATERIALS

15447. Adulteration of prepared mustard and imitation prepared mustard. U. S. v. Russell Products Co. Plea of guilty. Fine, \$200. (F. D. C. No. 28172. Sample Nos. 49455-K, 53308-K to 53310-K, incl.)

INFORMATION FILED: October 31, 1949, Western District of Oklahoma, against the Russell Products Co., a corporation, Oklahoma City, Oklahoma.

ALLEGED SHIPMENT: On or about May 2 and 13 and June 2, 1949, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Russell's Best Quality Pure Prepared Mustard Russell Products Co.," "White Swan * * * Prepared Pure Mustard Distributed by Waples-Platter Co. Fort Worth, Texas," and "Concho Prepared Imitation Mustard * * * Distributed by Waples-Platter Company Fort Worth, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 18, 1949. A plea of guilty having been entered, the court imposed a fine of \$200.

15448. Adulteration of yellow mustard seed. U. S. v. 94 Bags * * *. (F. D. C. No. 27458. Sample No. 55627-K.)

LIBEL FILED: July 8, 1949, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about November 22, 1948, from Spokane, Wash.

PRODUCT: 94 100-pound bags of yellow mustard seed at Oklahoma City, Okla., in possession of the Russell Products Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

15449. Adulteration of sesame seed and apricot kernels. U. S. v. 1 Carton, etc. (F. D. C. No. 27827. Sample Nos. 56624-K, 56625-K.)

LIBEL FILED: September 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: The articles were imported at New York, N. Y., on or about May 18 and June 25, 1949.

PRODUCT: 1 60-pound carton and 1 90-pound bag of sesame seed and 18 60-pound cases of apricot kernels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The

articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 7, 1949. Default decree of condemnation and destruction.

15450. Adulteration of pork sausage seasoning. U. S. v. 248 Packages * * *.
(F. D. C. No. 27625. Sample No. 1482-K.)

LIBEL FILED: August 4, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about December 4, 1948, from Danville, Va.

PRODUCT: 248 8¼-ounce packages of pork sausage seasoning at Durham, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15401 TO 15450

PRODUCTS

	N. J. No.		N. J. No.
Apricot kernels-----	15449	Greens, mustard, canned-----	15434
Bakery products-----	15401-15404	Halibut, dressed, frozen-----	15421
Biscuits -----	15401	Herring, frozen-----	15422
Blueberries, frozen-----	15430, 15431	Ice cream cones-----	15404
Brewers corn flakes-----	15411	Lactalbumin-----	15420
flakes -----	15410	Malted milk-----	15418
Butter -----	15413-15415	Milk, malted-----	15418
Cakes-----	15402, 15403	solids, dry, nonfat-----	15419
Cereals and cereal products----	15401-15412	Mustard greens, canned-----	15434
Cheese -----	15416, 15417	prepared -----	15447
Chinese cakes-----	15403	seed, yellow-----	15448
Cones, ice cream-----	15404	Oatmeal-----	15409
Corn flakes, brewers-----	15411	Oysters, raw-----	15423
Dairy products-----	15413-15420	Pastry flour-----	15406
Doughnut mix-----	15412	Peaches, slized, frozen-----	15432
Figs, dried-----	15425, 15426	Peas, canned----- ¹	15437
Fish and shellfish-----	15421-15424	split, green-----	15435, 15436
Flavors. See Spices, flavors, and seasoning materials.		Popcorn-----	15408
Flour -----	15405-15407	Pork sausage seasoning-----	15450
Fruits and vegetables-----	15409, ^{1, 2} 15425-15446	Potatoes ----- ²	15438
fruit, dried-----	15409, 15425-15429	Prunes-----	15409
frozen-----	15430-15433	Raisins, seedless-----	15427, 15428
tomatoes and tomato products-----	15439-15446	Raspberries, black, dried-----	15429
vegetables ----- ^{1, 2}	15434-15438	Rice -----	15409
		Rye flour. See Wheat and rye flour, blended.	
		Sausage seasoning, pork-----	15450
		Sesame seed-----	15449

¹ (15437) Seizure contested. Contains findings of the court.
² (15438) Prosecution contested.

	N. J. No.		N. J. No.
Shellfish. <i>See</i> Fish and shellfish.		Tomato(es), canned	15439-15443
Shrimp, frozen	15424	puree	15444-15446
Spices, flavors, and seasoning materials	15447-15450	Vegetables. <i>See</i> Fruits and vegetables.	
Strawberries, frozen	15433	Wheat and rye flour, blended	15407

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
American Warehouse Corp.:		Lake St. Peters Fisheries, Inc.:	
flour	15405	frozen herring	15422
Armour Creameries:		Lee & Lee Co.:	
butter	15414	Chinese cakes	15403
Bon Egg Biscuit Co.:		Libby, McNeill & Libby:	
biscuits	15401	canned peas	¹ 15437
Breda Creamery:		Lively Canning Corp.:	
butter	15415	canned tomatoes	15441, 15442
Burry Biscuit Corp.:		Marine Products Co.:	
fruit cake	15402	frozen shrimp	15424
Croucher, I. N., & Son, Inc.:		Millhurst Mills:	
dried black raspberries	15429	fruit cake	15402
Dawn Donut Co., Inc.:		Morgan Packing Co.:	
donut mix	15412	tomato puree	15446
Del Paso Canning Co.:		National Milk Sugar Co.:	
tomato puree	15444	lactalbumin	15420
Dextora Co.:		Niobe Cheese Co.:	
malted milk	15418	skim milk cheese	15417
Emery Food Co.:		Pharr, Goodwin:	
canned peas	¹ 15437	canned mustard greens	15434
Ferrera, James, & Sons, Inc.:		Pharr Canning Co., Inc.:	
tomato puree	15444	canned mustard greens	15434
Fisherman's Cooperative Federa- tion:		Piwarski, Frank:	
frozen dressed halibut	15421	frozen blueberries	15430
Frigid Food Products, Inc.:		Ritter & Sussman:	
frozen strawberries	15433	butter	15415
Gloria Cheese Co.:		Roeding Fig Co.:	
cheese	15416	dried figs	15425, 15426
Highland Creamery Co.:		Russell Products Co.:	
butter	15414	prepared mustard and imita- tion prepared mustard	15447
Humboldt Canning Co.:		yellow mustard seed	15448
canned tomatoes	15443	Sherman, H., Sales Co.:	
Kasviner, Abe:		fruit cake	15402
potatoes	² 15438	Shuflitowski, Joseph T., Inc.:	
Kauffman, Jacob:		pastry flour	15406
green split peas	15436	Simmons, Leonard:	
Koppenhofer Bros. Creamery:		canned tomatoes	15439
butter	15413		

¹ (15437) Seizure contested. Contains findings of the court.² (15438) Prosecution contested.

	N. J. No.		N. J. No.
Sisk, Albert W., & Son :		Thomson Terminals, Inc. :	
canned tomatoes-----	15439, 15440	popcorn -----	15408
Smith, H. A. :		Waples-Platter Co. :	
raw oysters-----	15423	prepared mustard and imita-	
Southern Frozen Foods, Inc. :		tion prepared mustard-----	15447
frozen sliced peaches-----	15432	Woolwine Cone Co. :	
Straccuzzi, R. :		ice cream cones-----	15404
frozen blueberries-----	15431		

A New Service by the

FEDERAL REGISTER

The scope of the FEDERAL REGISTER has been expanded by the "Administrative Procedure Act" (Public Law 404—79th Congress, approved June 11, 1946) specifically requiring publication of:

1. Agency organization and procedure,
2. Substantive rules and statements of general policy or interpretations,
3. Notice of proposed rule making,

and further providing that no person shall in any manner be required to resort to organization or procedure not so published.

A sample copy and information on request to the Federal Register, National Archives, Washington 25, D. C.



The FEDERAL REGISTER publishes daily the full text of Presidential Proclamations and Executive Orders and any order, regulation, notice, or similar document promulgated by Federal administrative agencies which has general applicability and legal effect.

A partial list of subjects covered includes:

Agriculture
Aviation
Business Credit
Communications
Contracts:
 Procurement
 Renegotiation
 Termination

Customs
Fair Trade Practice
Food and Drugs
Foreign Relations
Housing
Labor Relations
Mineral Resources
Price Control

Priorities
Reconversion
Securities
Shipping
Surplus Property
Taxation
Transportation
Wages and Hours

\$1.50 A MONTH • \$15 A YEAR

Order today from the

Superintendent of Documents, U. S. Government Printing Office,
Washington 25, D. C.

32Nf

jo 2

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15451-15500

FOODS

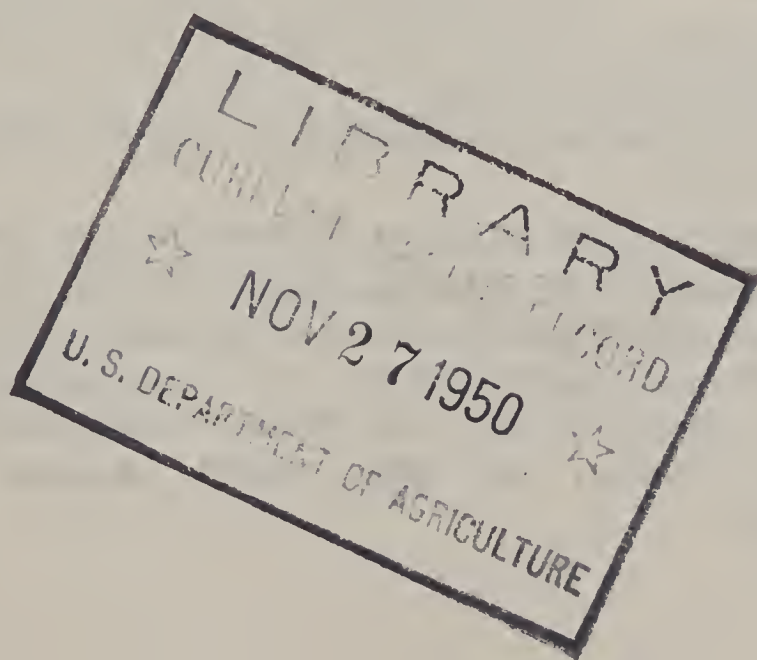
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 12, 1950.

CONTENTS

	Page		Page
Candy.....	814	Fish and shellfish.....	820
Cereals and cereal products.....	815	Fruits and vegetables.....	822
Flour.....	815	Canned fruit.....	822
Macaroni and noodle products..	816	Dried fruit.....	823
Miscellaneous cereals and cereal		Fresh fruit.....	823
products.....	817	Vegetables.....	826
Dairy products.....	818	Tomatoes.....	828
Butter.....	818	Index.....	829
Cheese.....	819		



CANDY

15451. Adulteration of candy. U. S. v. 35 Boxes, etc. (F. D. C. No. 27765. Sample Nos. 8473-K to 8475-K, incl.)

LIBEL FILED: August 12, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 23 and July 12, 1949, by the Heidelberger Confectionery Co., from Philadelphia, Pa.

PRODUCT: Candy. 35 boxes, each containing 24 packages; 54 cartons, each containing 12 packages; and 32 boxes, at Perth Amboy, N. J.

LABEL, IN PART: (Packages) "California Style Jellies 5¢ Net Weight 1¾ Oz." and "Lucille Licorice Flavored Assortment * * * Net Wt. 12 Oz."; (boxes) "480 Spearmint Leaves 4 for 1¢."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 26, 1949. Default decree of condemnation and destruction.

15452. Adulteration of candy. U. S. v 20 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 27766, 27774. Sample Nos. 3537-K, 3538-K.)

LIBELS FILED: August 11 and 15, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about June 29 and July 1, 1949, by the Heidelberger Confectionery Co., from Philadelphia, Pa.

PRODUCT: 46 cartons, each containing 12 12-ounce packages, of candy at Baltimore, Md.

LABEL, IN PART: (Package) "Lucille Licorice Flavored Assortment" and "Lucille Jelly Daisies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 19, 1949. Default decrees of condemnation and destruction.

15453. Adulteration of molasses kisses. U. S. v. 40 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27842, 27843. Sample Nos. 62394-K, 62396-K.)

LIBELS FILED: On or about September 23, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 3 and 16, 1949, by F. M. Hoyt & Co., Inc., from Amesbury, Mass.

PRODUCT: 57 cases, each containing 12 14-ounce bags, of molasses kisses at Providence, R. I.

LABEL, IN PART: (Bag) "Hoyt's Molasses Kisses But-A-Kiss."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 25, 1949. Default decrees of condemnation and destruction.

15454. Adulteration of candied fruit and peels. U. S. v. 30 Cases * * *.
(F. D. C. No. 27787. Sample No. 56157-K.)

LIBEL FILED: August 24, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about October 30, 1945, from Chicago, Ill.

PRODUCT: 30 cases, each containing 24 8-ounce jars, of candied fruit and peels at Bridgeport, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of being insect infested. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 18, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

CEREALS AND CEREAL PRODUCTS

FLOUR*

15455. Adulteration of flour. U. S. v. 117 Bags, etc. (F. D. C. Nos. 27931, 27932. Sample Nos. 54340-K, 54341-K.)

LIBEL FILED: October 18, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 22, 1949, by the Wall Rogalsky Milling Co., from McPherson, Kans.

PRODUCT: 216 100-pound bags of flour at New Orleans, La.

LABEL, IN PART: "Kansas Sun Bakers Flour" or "Kansas Sun Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination showed that the product contained insect fragments.)

Further adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions.

DISPOSITION: November 21, 1949. Default decree of condemnation and destruction.

15456. Adulteration of flour. U. S. v. 44 Bags * * *. (F. D. C. No. 27933. Sample No. 60558-K.)

LIBEL FILED: October 21, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 26, 1948, and July 6, 1949, from North Kansas City, Mo.

PRODUCT: 44 100-pound bags of flour at South Bend, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 28, 1949. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed. Destruction was effected by feeding the product to stock and poultry.

*See also No. 15464.

15457. Adulteration of flour. U. S. v. 34 Bags * * *. (F. D. C. No. 27197. Sample No. 62212-K.)

LIBEL FILED: May 9, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 10 and April 1, 1949, from Buffalo, N. Y.

PRODUCT: 34 100-pound bags of flour at Woburn, Mass., in possession of Jaquith & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1949. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed.

MACARONI AND NOODLE PRODUCTS

15458. Adulteration of macaroni and noodle products. U. S. v. 18 Cases, etc. (F. D. C. No. 27834. Sample Nos. 50494-K to 50498-K, incl.)

LIBELS FILED: September 19 and October 31, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about April 5 and September 12, 1948, and February 9 and May 24, 1949, from Spokane, Wash.

PRODUCT: 18 cases, each containing 12 14-ounce packages, of macaroni; 31 cases, each containing 12 14-ounce packages, of spaghetti; 9 cases, each containing 12 1-pound packages, of noodles; 9 cases, each containing 12 12-ounce packages, of noodles; and 15 cases, each containing 12 1-pound packages, of spaghetti, at Lewiston, Idaho.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 10 and December 15, 1949. Default decrees of forfeiture and destruction.

15459. Adulteration of macaroni. U. S. v. 230 Cases * * *. (F. D. C. No. 27422-A. Sample No. 47801-K.)

LIBEL FILED: On or about June 28, 1949, Western District of Virginia.

ALLEGED SHIPMENT: On or about March 18, 1949, by Antonio Palazzolo & Co., from Cincinnati, Ohio.

PRODUCT: 230 cases, each containing 20 pounds, of macaroni at Marion, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

15460. Adulteration of noodles. U. S. v. 6 Cases, etc. (F. D. C. No. 27799. Sample Nos. 11764-K to 11766-K, incl.)

LIBEL FILED: August 29, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about January 14 and September 18, 1948, from Lebanon, Pa.

PRODUCT: 22 cases, each containing 12 1-pound bags, of noodles at New Haven, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 18, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15461. Adulteration of white corn. U. S. v. 76 Bags * * *. (F. D. C. No. 27903. Sample No. 32103-K.)

LIBEL FILED: October 17, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about January 15, 1949, from Topeka, Kans.

PRODUCT: 76 100-pound bags of white corn at Sacramento, Calif., in possession of the Haslett Old Pioneer Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 31, 1949. Default decree of condemnation and destruction.

15462. Adulteration of brewers corn grits. U. S. v. 508 Bags * * *. (F. D. C. No. 28360. Sample No. 52454-K.)

LIBEL FILED: November 21, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 29, 1949, from Milwaukee, Wis.

PRODUCT: 508 100-pound bags of brewers corn grits at Toledo, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 5, 1949. The Koerber Brewing Co., Toledo, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, for sale for animal consumption only, under the supervision of the Federal Security Agency.

15463. Adulteration of doughnut mix. U. S. v. 17 Bags * * *. (F. D. C. No. 27741. Sample No. 62521-K.)

LIBEL FILED: September 12, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 29, 1949, by the Dawn Donut Co., from Springfield, Mass. This was a return shipment.

PRODUCT: 17 100-pound bags of doughnut mix at Jackson, Mich.

LABEL, IN PART: "Special Handcut Prepared Donut Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 7, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, to be used as animal feed.

15464. Adulteration of doughnut mix and phosphated flour. U. S. v. 15 Bags
* * *. (F. D. C. No. 28024. Sample Nos. 63753-K, 63754-K.)

LIBEL FILED: October 7, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 27, 1948, and August 13, 1949, from Springfield, Ill., and Dallas, Tex.

PRODUCT: 15 100-pound bags of doughnut mix and 180 25-pound bags of phosphated flour at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1949. Default decree of condemnation. The court ordered that the products be delivered to a Federal institution, for use as animal feed.

DAIRY PRODUCTS

BUTTER

15465. Adulteration of butter. U. S. v. 10 Boxes * * *. (F. D. C. No. 28333. Sample No. 61516-K.)

LIBEL FILED: On or about September 26, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 8, 1949, by the Vinita Dairy Products Co., from Vinita, Okla.

PRODUCT: 10 70-pound boxes of butter at Carthage, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance, namely, decomposed butter.

DISPOSITION: November 1, 1949. Default decree of destruction.

15466. Adulteration of butter. U. S. v. 19 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 28083 to 28086, incl. Sample Nos. 46688-K, 46732-K to 46735-K, incl.)

LIBELS FILED: August 19 and 23, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 13 and 26 and August 2, 1949, by the Highland Creamery Co., from Terre Haute, Ind.

PRODUCT: 91 cases, each containing 32 pounds, of butter at Greensburg, Johnstown, and Altoona, Pa. Analysis showed that the product contained mold and insect and rodent filth.

LABEL, IN PART: "Spring Brook Brand Creamery Butter Armour Creameries, Distributors Gen'l. Office, Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, decomposed animal substance.

DISPOSITION: September 9, 1949. Default decrees of condemnation and destruction.

15467. Adulteration of butter. U. S. v. 38 Cases * * *. (F. D. C. No. 28554. Sample No. 62061-K.)

LIBEL FILED: August 23, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 1, 1949, by Armour Creameries, from Springfield, Mo.

PRODUCT: 38 cases, each containing 16 8-ounce packages, of butter at National Stock Yards, Ill. Analysis showed that the product contained mold.

LABEL, IN PART: "Cloverbloom Butter Armour Creameries Distributors General Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance.

DISPOSITION: November 9, 1949. Default decree of condemnation. The court ordered that the product be delivered to a rendering company, to be dumped into the grease vats.

CHEESE

15468. Adulteration of Cheddar cheese. U. S. v. 211 Daisies * * *. (F. D. C. No. 27448. Sample No. 53386-K.)

LIBEL FILED: July 1, 1949, Middle District of Alabama.

ALLEGED SHIPMENT: On or about April 1, 1949, by Clarence D. Davis, from Elmira, N. Y.

PRODUCT: 211 daisies of Cheddar cheese at Montgomery, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination showed that the product was decomposed.

DISPOSITION: On or about August 29, 1949. Clarence D. Davis, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Of the 4,408 pounds which were seized, 3,646 pounds were salvaged and the remainder were destroyed.

15469. Adulteration of Cheddar cheese. U. S. v. 39 Cheeses * * *. (F. D. C. No. 27879. Sample No. 45291-K.)

LIBEL FILED: September 28, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 14, 1949, by the Almora Cooperative Cheese Factory, from Almora, Minn.

PRODUCT: 39 Cheddar cheeses at Curwensville, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of housefly parts, insect fragments, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 19, 1949. Default decree of condemnation and destruction.

FISH AND SHELLFISH

15470. Adulteration of frozen tullibees. U. S. v. 381 Pounds * * *. (F. D. C. No. 28038. Sample No. 56389-K.)

LIBEL FILED: October 10, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 17, 1949, by J. Kozloff, from Detroit, Mich.

PRODUCT: 381 pounds of frozen tullibees, in 3 boxes, at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

15471. Adulteration of frozen whitefish. U. S. v. 600 Pounds * * *. (F. D. C. No. 27816. Sample No. 56385-K.)

LIBEL FILED: September 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about July 23, 1949, by the Waldman Fish Co., from Montreal, Canada.

PRODUCT: 600 pounds of frozen whitefish, in 10 boxes, at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: September 29, 1949. Default decree of condemnation and destruction.

15472. Adulteration and misbranding of sardines in tomato sauce. U. S. v. 74 Cases * * *. (F. D. C. No. 25412. Sample No. 6972-K.)

LIBEL FILED: August 26, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 2, 1948, by the Eastland Food Products Co., from New Bedford, Mass.

PRODUCT: 74 cases, each containing 48 cans, of sardines in tomato sauce at Erie, Pa.

LABEL, IN PART: "Eastland Brand Sardines in Tomato Sauce Contents 15 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), another variety of fish, alewife, had been substituted for sardines.

Misbranding, Section 403 (a), the label designation "Sardines" was false and misleading.

DISPOSITION: December 9, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15473. Adulteration of canned clams in shell. U. S. v. 199 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 28000 to 28003, incl. Sample Nos. 62187-K to 62189-K, incl., 62519-K.)

LIBEL FILED: September 26, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 8 and August 2 and 8, 1949, by the Bayview Packing Co., from Oakland Beach, R. I.

PRODUCT: Canned clams in shell. 241 cases at New Bedford, Mass., and 14 cases at Springfield, Mass. Each case contained 24 2-pound cans.

LABEL, IN PART: (Can) "G & D Brand Clams In The Shell."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination showed that the product was decomposed.

DISPOSITION: November 14 and 21, 1949. Default decrees of condemnation and destruction.

15474. Adulteration of canned oysters. U. S. v. 426 Cases * * *. (F. D. C. Nos. 27417, 27422. Sample Nos. 53706-K, 53709-K.)

LIBEL FILED: June 20, 1949, Southern District of Mississippi; libel amended June 23, 1949.

ALLEGED SHIPMENT: On or about May 7 and 17, 1949, by E. W. Gravolet and C. T. Kimble, from Pointe a la Hache, La.

PRODUCT: 426 cases, each containing 48 cans of oysters, at Biloxi, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of decomposed oysters.

DISPOSITION: July 30, 1949. C. T. Kimble and E. W. Gravolet, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Food and Drug Administration. Of the total of about 266 cases of the product which had been seized, approximately 61 cases were segregated as unfit and were destroyed.

15475. Adulteration of frozen shrimp. U. S. v. 69 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 27922, 27930. Sample Nos. 49490-K, 49644-K.)

LIBELS FILED: October 17 and 18, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about October 7 and 8, 1949, by the Aransas Seafood Co., from Aransas Pass, Tex.

PRODUCT: 139 5-pound cartons of frozen shrimp at Denver, Colo.

LABEL, IN PART: "Seal Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: December 6, 1949. Default decrees of condemnation. The court ordered that the product be sold for use as animal feed, under the supervision of the Food and Drug Administration.

15476. Adulteration of crab meat. U. S. v. 2 Barrels, etc. (and 1 other seizure action). (F. D. C. Nos. 28088, 28089. Sample Nos. 47912-K, 47913-K.)

LIBELS FILED: August 26 and 29, 1949, Southern District of New York and District of Maryland.

ALLEGED SHIPMENT: By Lancaster Seafoods, Inc., one shipment on or about August 23, 1949, from Baltimore, Md., to New York, N. Y., and one shipment on or about August 24, 1949, from Morattico, Va., to Baltimore, Md.

PRODUCT: Crab meat. 3 100-pound barrels, 2 119-pound barrels, and 1 126-pound barrel at New York, N. Y., and Baltimore, Md. Analyses showed that the product was contaminated with *B. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), a portion of the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 28 and October 10, 1949. Default decrees of condemnation and destruction.

15477. Adulteration of crab meat. U. S. v. 125 Cans * * * (and 3 other seizure actions). (F. D. C. Nos. 27802, 27803, 28092, 28093. Sample Nos. 66818-K to 66821-K, incl.)

LIBELS FILED: August 26 and 29, 1949, District of Columbia and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 24, 1949, by F. H. Ayers & Son, from Portsmouth, Va.

PRODUCT: 205 1-pound cans of crab meat at Washington, D. C., and 2 barrels, each containing 185 1-pound cans, of crab meat at Philadelphia, Pa. Examination showed that the product was contaminated with *E. coli* of fecal origin.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: August 30 and September 14 and 23, 1949 Decrees of condemnation. The court ordered that the Washington lot of the product be delivered to the National Zoological Park for use and not for sale, and that the Philadelphia lot of the product be destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

15478. Misbranding of canned apricots. U. S. v. 418 Cases * * *. (F. D. C. No. 23951. Sample No. 18006-K.)

LIBEL FILED: November 5, 1947, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 27 and 31 and September 5, 1947, by Intermountain Food Co., Inc., from Grand Junction, Colo.

PRODUCT: 418 cases, each containing 24 1-pound, 14-ounce cans, of apricots at Indianapolis, Ind.

LABEL, IN PART: (Portion) "Regal Brand Whole Unpeeled Apricots in Heavy Syrup"; (remainder) "Regal Brand Whole Peeled Apricots in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Whole Peeled Apricots" on some of the cans was false and misleading. (The product consisted entirely of whole unpeeled apricots.)

DISPOSITION: December 2, 1947. Regal Stores, Inc., claimant, having admitted the allegations of the libel, judgment of forfeiture was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

15479. Misbranding of canned cherries. U. S. v. 124 Cases * * *. (F. D. C. No. 28296. Sample No. 50534-K.)

LIBEL FILED: November 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Eugene Fruit Growers Assn., from Eugene, Oreg.

PRODUCT: 124 cases, each containing 6 cans, of cherries at Philadelphia, Pa.

LABEL, IN PART: (Can) "Thrifty Brand Contents 7 Lb. Pitted Dark Sweet Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cherries since it contained an excessive number of pits, and its label failed to bear the substandard legend.

*See also No. 15454.

Further misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 7 pounds.)

DISPOSITION: December 8, 1949. The Eugene Fruit Growers Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

DRIED FRUIT

15480. Adulteration of prunes. U. S. v. Valley View Packing Co., a partnership, and Sam Rubino, Leonard Rubino, and Joseph Rubino, partners. Partnership fined \$750; each individual defendant fined \$5. (F. D. C. No. 27511. Sample Nos. 33850-K, 34081-K, 34149-K, 42041-K, 47570-K.)

INFORMATION FILED: August 24, 1949, Northern District of California, against the Valley View Packing Co., San Jose, Calif., and Sam Rubino, Leonard Rubino, and Joseph Rubino, partners.

ALLEGED SHIPMENT: On or about February 17, 23, and 25, March 16, and April 6, 1949, from the State of California into the States of New York, Indiana, Maryland, and the Territory of Puerto Rico.

LABEL, IN PART: "Valley View [or "Hillsdale"] * * * Brand Packed by Valley View Packing Co.," "Little Elf * * * Bursley & Company, Inc. Distributors," or "Santa Clara Prunes Arnold-Hoover Company San Francisco Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 8, 1949. Pleas of nolo contendere having been entered, the partnership was fined \$750 and each individual defendant was fined \$5.

15481. Adulteration of raisins. U. S. v. 25 Cartons * * *. (F. D. C. No. 27913. Sample No. 61589-K.)

LIBEL FILED: October 12, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 25, 1947, from Fresno, Calif.

PRODUCT: 25 30-pound cartons of raisins at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raisins. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

FRESH FRUIT

15482. Adulteration of blueberries. U. S. v. 18 Quarts, etc. (F. D. C. No. 27859. Sample No. 47326-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by John Slezack, from Dupont, Pa.

PRODUCT: 18 quarts and 15 crates, each crate containing 24 1-quart baskets, of blueberries, at Buffalo, N. Y. Examination showed that the product was infested with maggots or larvae.

LABEL, IN PART: "Pocono Pennsylvania Fancy Blueberries A-1."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

15483. Adulteration of blueberries. U. S. v. 9 Crates, etc. (F. D. C. No. 27861. Sample No. 47328-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by Aileen McGurl, from Jessup, Pa.

PRODUCT: 18 1-quart baskets and 9 crates, each crate containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots or larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

15484. Adulteration of blueberries. U. S. v. 9 Crates * * *. (F. D. C. No. 27864. Sample No. 62689-K.)

LIBEL FILED: August 1, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 21, 1949, by A. F. Hart, from Union, Maine.

PRODUCT: 9 crates, each containing 24 1-quart boxes, of blueberries at Boston, Mass. Examination showed that the product contained maggots.

LABEL, IN PART: (Cellophane cover) "Pine State Fancy Maine Blueberries Packed Exclusively for Al Nagelberg & Co., Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

15485. Adulteration of blueberries. U. S. v. 6 Crates, etc. (F. D. C. No. 27857. Sample No. 47323-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by D. Traglia, from Pittston, Pa.

PRODUCT: 6 crates, each containing 24 1-quart baskets, and 21 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots.

LABEL, IN PART: "Pocono Pennsylvania Fancy Blueberries A-1."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

15486. Adulteration of blueberries. U. S. v. 6 Crates * * *. (F. D. C. No. 27866. Sample No. 62776-K.)

LIBEL FILED: August 3, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 3, 1949, by Amanda Koivula, from New Ipswich, N. H.

PRODUCT: 6 crates, each containing 24 1-quart boxes, of blueberries at Boston, Mass. Examination showed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

15487. Adulteration of blueberries. U. S. v. 4 Crates, etc. (F. D. C. No. 27860. Sample No. 47327-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by A. Clark, from Jessup, Pa.

PRODUCT: 21 quarts and 4 crates, each crate containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots or larvae.

LABEL, IN PART: "Blue Range Fancy Pennsylvania Blueberries Packed Exclusively for Al Nagelberg & Co., Inc., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

15488. Adulteration of blueberries. U. S. v. 2 Crates, etc. (F. D. C. No. 27856. Sample Nos. 47322-K, 47324-K.)

LIBEL FILED: July 27, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by John Shimko, from Tobyhanna, Pa.

PRODUCT: 43 1-quart baskets and 3 crates, each crate containing 24 1-quart baskets, of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots or larvae.

LABEL, IN PART: "Pocono Pennsylvania Fancy Blueberries A-1."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

15489. Adulteration of blueberries. U. S. v. 3 Crates, etc. (F. D. C. No. 28094. Sample No. 62798-K.)

LIBEL FILED: August 31, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 30, 1949, by Everett Anderson, from Harrington, Maine.

PRODUCT: 3 crates, each containing 24 1-quart boxes, plus 20 1-quart boxes, of blueberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 26, 1949. Default decree of condemnation and destruction.

15490. Adulteration of blueberries. U. S. v. 2 Crates * * *. (F. D. C. No. 27867. Sample No. 67104-K.)

LIBEL FILED: August 2, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about July 29, 1949, from Hazleton, Pa., by J. Zuber of McAdoo, Pa.

PRODUCT: 2 crates, each containing 29 quarts, of blueberries at Baltimore, Md.

Examination showed that the product was infested with maggots or larvae.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 8, 1949. John Zuber having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be destroyed.

15491. Adulteration of blueberries. U. S. v. 22 Quart Baskets * * *.
(F. D. C. No. 27862. Sample No. 47401-K.)

LIBEL FILED: July 29, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about July 25, 1949, by Ray Miller, from Tobyhanna, Pa.

PRODUCT: 22 1-quart baskets of blueberries at Buffalo, N. Y. Examination showed that the product was infested with maggots.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1949. Default decree of condemnation and destruction.

VEGETABLES

15492. Misbranding of canned green beans. U. S. v. 198 Cases * * *.
(F. D. C. No. 27990. Sample No. 50914-K.)

LIBEL FILED: September 23, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 3, 1949, by the Hudson-Duncan Co., from Portland, Oreg.

PRODUCT: 198 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Brooklyn, N. Y. Examination showed that the product was not fancy since it contained an excessive amount of tough strings and presented a ragged appearance.

LABEL, IN PART: (Can) "Blue Diamond * * * Blue Lake Fancy Beans Cut Green."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading as applied to an article which was not of fancy quality.

DISPOSITION: October 26, 1949. Henry Bresky & Sons, Bridgeport, Conn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

15493. Adulteration of canned corn. U. S. v. Dorchester Canning Co. Plea of nolo contendere. Fine, \$1,400. (F. D. C. No. 27520. Sample Nos. 10928-K, 18097-K, 20776-K, 40689-K, 40944-K, 40945-K, 43561-K, 45473-K.)

INFORMATION FILED: October 3, 1949, Western District of Washington, against the Dorchester Canning Co., Evansville, Wis.

ALLEGED SHIPMENT: On or about October 16, 20, 28, November 23, and December 4, 1948, from the State of Wisconsin into the States of New York, Indiana, Nebraska, Washington, Ohio, and Iowa.

LABEL, IN PART: (Cans, portion) "Fifth Ave. Quality Cream Style Golden Sweet Corn Fall River Canning Co. Distributor Fall River Wisconsin"

or "Libby's Golden Sweet Corn Cream Style * * * Distributors Libby, McNeill & Libby Chicago, Illinois." One shipment was unlabeled.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of corn worms, corn worm parts, and insect parts.

DISPOSITION: October 24, 1949. A plea of nolo contendere having been entered, the defendant was fined \$1,400.

15494. Adulteration of canned corn. U. S. v. 329 Cases * * *. (F. D. C. No. 27676. Sample No. 61105-K.)

LIBEL FILED: August 4, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about June 4, 1949, by the Clarksville Canning Co., from Clarksville, Iowa.

PRODUCT: 329 cases, each containing 24 1-pound, 4-ounce cans, of corn at Alton, Ill.

LABEL, IN PART: "Our Value Brand Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

15495. Adulteration of canned corn. U. S. v. 85 Cases * * *. (F. D. C. No. 28421. Sample No. 64604-K.)

LIBEL FILED: December 9, 1949, District of South Dakota.

ALLEGED SHIPMENT: On or about November 1, 1948, by the Bricelyn Cooperative Canning Assn., from Bricelyn, Minn.

PRODUCT: 85 cases, each containing 24 1-pound, 4-ounce cans, of corn at Sioux Falls, S. Dak.

LABEL, IN PART: "Jonquil Brand Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: December 16, 1949. The Andrew Kuehn Co., Sioux Falls, S. Dak., having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, for use as hog feed.

15496. Adulteration and misbranding of canned corn. U. S. v. 33 Cases * * *. (F. D. C. No. 28264. Sample No. 54034-K.)

LIBEL FILED: On or about November 14, 1949, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about June 21 and August 22 and 23, 1949, from Lebanon, Ohio, and Memphis, Tenn., by the Tom Corwin Canning Co.

PRODUCT: 33 cases, each containing 6 No. 10 cans, of corn at Greenwood, Miss.

LABEL, IN PART: (Can) "Red Rose Cream Style Golden Sweet Corn * * * Net Weight 6 Lbs. 10 Ozs. [or "Net Weight 1 Lb."]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned corn since it had not been so processed by heat as to prevent spoilage. Further misbranding, Section 403 (e) (2), some cans of the article failed to bear a label containing an accurate statement of the quantity of the contents. (The statement "Net Weight 1 Lb." on a portion of the cans was inaccurate since all of the cans contained approximately 6 pounds, 10 ounces.)

DISPOSITION: November 17, 1949. No claimant having appeared, judgment of condemnation was entered and the court ordered that the product be destroyed.

15497. Misbranding of canned spinach. U. S. v. 17 Cases * * *. (F. D. C. No. 27768. Sample No. 56620-K.)

LIBEL FILED: August 12, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 27, 1949, by A. W. Sisk & Son, from Baltimore, Md.

PRODUCT: 17 cases, each containing 48 cans, of spinach at Newark, N. J.

LABEL, IN PART: (Can) "White Rose Spinach Net Wt. 15 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short weight.)

DISPOSITION: October 10, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

TOMATOES

15498. Adulteration of canned tomatoes. U. S. v. Niels P. Jacobsen. Tried to the jury; verdict of guilty. Fine, \$300 and costs. (F. D. C. No. 25627. Sample No. 27548-K.)

INFORMATION FILED: March 12, 1949, Western District of Missouri, against Niels P. Jacobsen, Diggins, Mo.

ALLEGED VIOLATION: The giving of a false guaranty. The information charged that on or about March 30, 1948, the defendant entered into a contract with the Marshfield Supply Co., to pack canned tomatoes for the latter firm, and guaranteed that the tomatoes so packed would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that within the period from on or about August 24, 1948, to September 7, 1948, the defendant delivered pursuant to the contract a number of cases of canned tomatoes; that the Marshfield Supply Co. was engaged in the business of introducing and delivering for introduction into interstate commerce quantities of canned tomatoes which had been supplied by the defendant; and that the guaranty given by the defendant was false since the tomatoes guaranteed to be not adulterated were in fact adulterated, as stated below.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of maggots, fly eggs, and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 15, 1949. A plea of not guilty having been entered, the matter was tried before the jury. The defendant was found guilty and fined \$300, together with costs.

15499. Adulteration and misbranding of canned tomatoes. U. S. v. 117 Cases
*** * * (and 1 other seizure action). (F. D. C. Nos. 27911, 28237.**
Sample Nos. 47409-K, 47635-K.)

LIBELS FILED: October 13 and 25, 1949, Western District of New York and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 6 and 13, 1949, by A. W. Sisk & Son, from Longwoods and Sowards, Md.

PRODUCT: Canned tomatoes. 117 cases at Buffalo, N. Y., and 647 cases at South Norfolk, Va. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Longwoods Brand Tomatoes * * * Packed * * * by Longwoods Canning Co., Longwoods, Md.," or "Red-Glo Tomatoes Albert W. Sisk and Son Distributors Not Manufacturers."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient.

DISPOSITION: November 7 and 23, 1949. Default decrees of condemnation. The court ordered that one lot of the product be delivered to a charitable institution and the other lot to a Federal reformatory.

15500. Adulteration and misbranding of canned tomatoes. U. S. v. 157 Cases
*** * * (and 1 other seizure action). (F. D. C. Nos. 28268, 28269.**
Sample Nos. 62125-K, 62541-K.)

LIBELS FILED: November 3 and December 12, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 22 and 28, 1949, by A. W. Sisk & Son, from Federalsburg, Md.

PRODUCT: Canned tomatoes. 157 cases at Cambridge, Mass., and 595 cases at Springfield, Mass. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (Springfield lot) the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition; and, Section 402 (b) (4), (both lots) water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), (both lots) the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient.

DISPOSITION: November 3 and December 12, 1949. Default decrees of condemnation. The court ordered that the Cambridge lot be delivered to a charitable institution and that the Springfield lot be destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15451 TO 15500

PRODUCTS

	N. J. No.		N. J. No.
Apricots, canned-----	15478	Brewers corn grits-----	15462
Beans, green, canned-----	15492	Butter-----	15465-15467
Blueberries, fresh-----	15482-15491	Candy-----	15451-15454

	N. J. No.		N. J. No.
Cereals and cereal products---	15455-15464	Grits, corn, brewers-----	15462
Cheese -----	15468, 15469	Macaroni and noodle products--	15458-15460
Cherries, canned-----	15479	Molasses kisses-----	15453
Clams in shell, canned-----	15473	Noodles. See Macaroni and noodle products.	
Corn (in bags)-----	15461	Oysters, canned-----	15474
canned -----	15493-15496	Phosphated flour -----	15464
grits, brewers-----	15462	Prunes-----	15480
Crab meat-----	15476-15477	Raisins -----	15481
Dairy products-----	15465-15469	Sardines in tomato sauce-----	15472
Doughnut mix-----	15463, 15464	Shellfish. See Fish and shellfish.	
Fish and shellfish-----	15470-15477	Shrimp, frozen-----	15475
Flour -----	15455-15457, 15464	Spinach, canned -----	15497
Fruits and vegetables-----	15454, ¹ 15478-15500	Tomatoes, canned-----	¹ 15498-15500
fruit, canned-----	15478, 15479	Tullibeas, frozen-----	15470
dried-----	15480, 15481	Vegetables. See Fruits and vegetables.	
fresh-----	15482-15491	Whitefish, frozen -----	15471
tomatoes -----	¹ 15498-15500		
vegetables-----	15492-15497		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Almora Cooperative Cheese Factory:		Davis, C. D.:	
Cheddar cheese-----	15469	Cheddar cheese-----	15468
Anderson, Everett:		Dawn Donut Co.:	
fresh blueberries-----	15489	doughnut mix-----	15463
Aransas Seafood Co.:		Dorchester Canning Co.:	
frozen shrimp-----	15475	canned corn-----	15493
Armour Creameries:		Eastland Food Products Co.:	
butter-----	15466, 15467	sardines in tomato sauce-----	15472
Arnold-Hoover Co.:		Eugene Fruit Growers Assn.:	
prunes -----	15480	canned cherries-----	15479
Ayers, F. H., & Son:		Fall River Canning Co.:	
crab meat-----	15477	canned corn-----	15493
Bayview Packing Co.:		Gravolet, E. W.:	
canned clams in shell-----	15473	canned oysters-----	15474
Bricelyn Cooperative Canning Assn.:		Hart, A. F.:	
canned corn-----	15495	fresh blueberries-----	15484
Bursley & Co., Inc.:		Haslett Old Pioneer Warehouse:	
prunes -----	15480	white corn-----	15461
Clark, A.:		Heidelberger Confectionery Co.:	
fresh blueberries-----	15487	candy-----	15451, 15452
Clarksville Canning Co.:		Highland Creamery Co.:	
canned corn-----	15494	butter-----	15466
Corwin, Tom, Canning Co.:		Hoyt, F. M., & Co., Inc.:	
canned corn-----	15496	molasses kisses-----	15453
		Hudson-Duncan Co.:	
		canned green beans-----	15492

¹ (15498) Prosecution contested.

	N. J. No.		N. J. No.
Intermountain Food Co., Inc.:		Palazzolo, Antonio, & Co.:	
canned apricots_____	15478	macaroni_____	15459
Jacobsen, N. P.:		Rubino, Sam, Leonard, and	
canned tomatoes_____	¹ 15498	Joseph:	
Jaquith & Co.:		prunes_____	15480
flour_____	15457	Shimko, John:	
Kimble, C. T.:		fresh blueberries_____	15488
canned oysters_____	15474	Sisk, A. W., & Son:	
Koivula, Amanda:		canned spinach_____	15497
fresh blueberries_____	15486	tomatoes_____	15499, 15500
Kozloff, J.:		Slezack, John:	
frozen tullibeas_____	15470	fresh blueberries_____	15482
Lancaster Seafoods, Inc.:		Traglia, D.:	
crab meat_____	15476	fresh blueberries_____	15485
Libby, McNeill & Libby:		Valley View Packing Co.:	
canned corn_____	15493	prunes_____	15480
Longwoods Canning Co.:		Vinita Dairy Products Co.:	
canned tomatoes_____	15499	butter_____	15465
McGurl, Aileen:		Waldman Fish Co.:	
fresh blueberries_____	15483	frozen whitefish_____	15471
Marshfield Supply Co.:		Wall Rogalsky Milling Co.:	
canned tomatoes_____	15498	flour_____	15455
Miller, Ray:		Zuber, J.:	
fresh blueberries_____	15491	fresh blueberries_____	15490
Nagelberg, Al, & Co.:			
fresh blueberries_____	15484, 15487		

¹ (15498) Prosecution contested.



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month



\$15 per year

16-56699-1

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15501-15550

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C. *April 25, 1950.*

CONTENTS

	Page		Page
Cereals and cereal products.....	834	Fruits and vegetables.....	843
Corn meal.....	834	Dried fruit.....	843
Flour.....	835	Frozen fruit.....	843
Miscellaneous cereals and cereal products.....	836	Vegetables.....	844
Dairy products.....	837	Tomatoes.....	845
Butter.....	837	Nuts and nut products.....	846
Fish and shellfish.....	838	Miscellaneous foods.....	848
		Index.....	849

CEREALS AND CEREAL PRODUCTS**CORN MEAL**

15501. Adulteration of corn meal. U. S. v. 132 Bags * * *. (F. D. C. No. 27907. Sample No. 54024-K.)

LIBEL FILED: On or about October 14, 1949, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about September 21, 1949, by the Leoma Milling Co., from Leoma, Tenn.

PRODUCT: 132 bags, each containing 25 pounds, of corn meal at New Albany, Miss.

LABEL, IN PART: "White Rose Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hair fragments.

DISPOSITION: November 8, 1949. Default decree of condemnation and destruction.

15502. Adulteration of corn meal. U. S. v. 23 Bags, etc. (and 1 other seizure action). (F. D. C. Nos. 27936, 27940. Sample Nos. 47768-K, 47771-K.)

LIBELS FILED: October 19 and 24, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 20 and 30, 1949, by the Herrman-McLean Co., from Monroeville, Ohio.

PRODUCT: 23 5-pound bags, 104 10-pound bags, and 68 25-pound bags of corn meal at Charleston and Beckley, W. Va.

LABEL, IN PART: "Ohio Fancy Corn Meal White."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 18, 1949. Default decrees of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15503. Adulteration of corn meal. U. S. v. 42 Cases * * *. (F. D. C. No. 28339. Sample No. 41879-K.)

LIBEL FILED: November 15, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 12 and 24, 1949, by Elam Mills, Inc., from Chicago, Ill.

PRODUCT: 42 cases, each containing 12 2-pound bags, of corn meal at Detroit, Mich.

LABEL, IN PART: "Elam's Stone Ground * * * Yellow Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: December 13, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

FLOUR

15504. Adulteration of flour. U. S. v. 220 Bags * * *. (F. D. C. No. 28251. Sample No. 13832-K.)

LIBEL FILED: October 31, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 25, 1949, from Davenport, Iowa.

PRODUCT: 220 100-pound bags of flour at Columbia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its musty odor and flavor. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 8, 1949. Keim's Modern Bakery, Columbia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be denatured under the supervision of the Food and Drug Administration and sold for use other than for human consumption.

15505. Adulteration of plain flour, enriched flour, rye flour, and pastry flour. U. S. v. 300 Sacks, etc. (F. D. C. No. 28035. Sample No. 58220-K.)

LIBEL FILED: October 7, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about September 9, 1949, by General Mills, from Tucson, Ariz.

PRODUCT: 300 25-pound sacks, 80 50-pound sacks, and 175 100-pound sacks of various kinds of flour at Los Angeles, Calif.

LABEL, IN PART: "Sperry All In One Whole Wheat Bakers Flour," "General Mills Washburn's Gold Medal Enriched Flour," "Sperry XX₄XX Clear Bakers Flour," "Harina Escojida para Familias Enriched Flour," "Sperry Special Bakers Flour," "Gold Medal Cream of Rye White Rye," "Sperry Cake and Pastry Bakers Flour," and "Softasilk Cake Bakers Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects.

DISPOSITION: November 9, 1949. General Mills, Inc. (Sperry Division), Minneapolis, Minn., having filed a claim denying that it was responsible for the condition of the flour and alleging that it had become contaminated in transit while under the control of the railroad carrier, but having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, to be used in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

15506. Adulteration of plain flour, pastry flour, and dough mix. U. S. v. 27 Bags, etc. (F. D. C. No. 28015. Sample Nos. 63742-K to 63752-K, incl.)

LIBEL FILED: October 6, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 10, July 9 and 23, and August 20 and 30, 1949, from Springfield, Ill.

PRODUCT: 275 100-pound bags of plain flour, 48 100-pound bags of pastry flour, and 17 100-pound bags of dough mix at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1949. Pillsbury Mills, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, to be converted into animal feed, under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

15507. Adulteration of popcorn. U. S. v. 10 Bags * * *. (F. D. C. No. 27967. Sample No. 7591-K.)

LIBEL FILED: November 4, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about October 3, 1949, by R. J. Whitley, from Trenton, Mo.

PRODUCT: 10 100-pound bags of popcorn at Rochester, N. Y.

LABEL, IN PART: "Pop-Mor Pop Corn—Whitley's."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

DISPOSITION: December 1, 1949. Default decree of condemnation and destruction.

15508. Adulteration of oatmeal. U. S. v. 102 Bags * * *. (F. D. C. No. 28241. Sample No. 62896-K.)

LIBEL FILED: October 28, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 29, 1949, from Lockport, Ill.

PRODUCT: 102 100-pound bags of oatmeal at East Cambridge, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1949. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed.

15509. Adulteration of Roman Meal (bakers mixture). U. S. v. 100 Bags * * *. (F. D. C. No. 27675. Sample No. 60430-K.)

LIBEL FILED: August 9, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 24, March 19 and April 19, 1949, from Tacoma, Wash.

PRODUCT: 100 100-pound bags of Roman Meal (bakers mixture) at Chicago, Ill., in possession of Urban F. Myers & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

*See also No. 15506.

DAIRY PRODUCTS**BUTTER**

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 15510 to 15512; and that was below the standard for milk fat content, Nos. 15513 to 15515.

15510. Adulteration of butter. U. S. v. 15 Boxes (480 pounds) * * *.
(F. D. C. No. 28331. Sample No. 52230-K.)

LIBEL FILED: September 15, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 30, 1949, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 15 32-pound boxes of butter at Fort Thomas, Ky.

LABEL, IN PART: "Jersey Farm Creamery Butter * * * Dist. by Jersey Farm Dairy Ft. Thomas, Ky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by the high mold mycelia count.

DISPOSITION: November 8, 1949. Default decree of condemnation. The court ordered that the product be sold for technical use.

15511. Adulteration of butter. U. S. v. 20 Cartons (640 pounds) * * *.
(F. D. C. No. 28335. Sample No. 62797-K.)

LIBEL FILED: September 19, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 26, 1949, by Dearmin & Co., from Odon, Ind.

PRODUCT: 20 cartons, each containing 32 1-pound prints, of butter at Boston, Mass. Analysis showed that the product contained mold and insect filth.

LABEL, IN PART: "Arco Brand Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed animal substance.

DISPOSITION: October 31, 1949. Default decree of condemnation and destruction.

15512. Adulteration of butter. U. S. v. 24 Cases * * *. (F. D. C. No. 28325. Sample No. 1258-K.)

LIBEL FILED: September 8, 1949, Southern District of Georgia.

ALLEGED SHIPMENT: On or about July 15, 1949, by the Sugar Creek Creamery Co., from Louisville, Ky.

PRODUCT: 24 cases, each containing 32 1-pound cartons, of butter at Savannah, Ga.

LABEL, IN PART: (Carton) "Wilson's Clearbrook Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of having been made from decomposed and moldy cream.

DISPOSITION: November 10, 1949. The Sugar Creek Creamery Co. having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to a charitable institution, to be used for animal feed.

15513. Adulteration of butter. U. S. v. 339 65-Pound Cubes * * *. (F. D. C. No. 28328. Sample No. 60319-K.)

LIBEL FILED: August 24, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 1, 1949, by the Arkansas City Cöoperative Milk Assn., from Arkansas City, Kans.

PRODUCT: 339 65-pound cubes of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 30, 1949. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, for reworking under the supervision of the Federal Security Agency.

15514. Adulteration of butter. U. S. v. 30 64-Pound Cubes * * *. (F. D. C. No. 28326. Sample No. 7781-K.)

LIBEL FILED: October 21, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about October 17, 1949, by Langenfeld Dairy Products, from Watertown, S. Dak.

PRODUCT: 30 64-pound cubes of butter at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 14, 1949. Frank E. Wattles, Inc., Buffalo, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

15515. Adulteration of salt butter. U. S. v. 587 Boxes (36,981 pounds) * * *. (F. D. C. No. 28551. Sample Nos. 42154-K, 42158-K, 42168-K.)

LIBEL FILED: September 15, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 24, 1949, by the De Coursey Cream Co., from Wichita, Kans.

PRODUCT: 587 63-pound boxes of salt butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 23, 1949. The S. S. Borden Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the court ordered that the product be released under bond, for reworking under the supervision of the Federal Security Agency.

FISH AND SHELLFISH

15516. Adulteration of frozen herring. U. S. v. 5,847 Pounds * * *. (F. D. C. No. 27954. Sample No. 47530-K.)

LIBEL FILED: October 31, 1949, Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of November 1 and 30, 1948, by various shippers, from Ontario, Canada, and the State of Minnesota.

PRODUCT: 5,847 pounds of frozen herring at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: November 28, 1949. Default decree of condemnation and destruction. The product was mixed with offal and rendered into tankage.

15517. Adulteration of canned herring roe. U. S. v. 8 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 26013 to 26017, incl. Sample Nos. 1203-K, 2830-K, 2831-K, 3694-K, 3724-K.)

LIBELS FILED: November 22, 24, and 29, 1948, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about May 21 and June 1, 4, and 11, 1948, by the American Roland Food Co., from Eastport, Maine.

PRODUCT: 146 cases, each containing 24 15-ounce cans, of herring roe at Whiteville, Kinston, Weldon, and Wilmington, N. C.

LABEL, IN PART: (Can) "Custom House Herring Roe * * * Packed by Riviera Packing Company, Eastport, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance, and it was otherwise unfit for food by reason of its tough, rubbery consistency.

DISPOSITION: June 10, 1949. The Riviera Packing Co. having appeared as claimant and admitted the allegations of the libels, and the libel proceedings having been consolidated, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

The segregation operations proved to be impractical, and, consequently, the entire amount of the product was destroyed.

15518. Misbranding of canned sardines. U. S. v. 468 Cases * * *. (F. D. C. No. 27838. Sample No. 13673-K.)

LIBEL FILED: September 13, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 10, 1949, by the Fortune Fisheries, from San Francisco, Calif.

PRODUCT: 468 cases, each containing 48 cans, of sardines at Philadelphia, Pa.

LABEL, IN PART: (Can) "Charlie Boy California Sardines In Tomato Sauce Contents 15 Oz. Avoir or 425 Grams Packed By Romeo Packing Co. * * * Half Moon Bay California."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the declared weight of 15 ounces.)

DISPOSITION: December 8, 1949. The Fortune Fisheries, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15519. Adulteration of fresh tullibeas. U. S. v. 40 Boxes * * *. (F. D. C. No. 28274. Sample No. 57371-K.)

LIBEL FILED: November 9, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 23, 1949, by Keystone Fisheries, Ltd., from Winnipeg, Manitoba, Canada.

PRODUCT: 40 50-pound boxes of fresh tullibeas at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: December 8, 1949. Default decree of condemnation and destruction.

15520. Adulteration of fresh tullibees. U. S. v. 3 Boxes * * *. (F. D. C. No. 27924. Sample No. 41874-K.)

LIBEL FILED: October 17, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 10, 1949, by Lake St. Peter Fisheries, Ltd., from Montreal, Canada.

PRODUCT: 3 100-pound boxes of fresh tullibees at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section, 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: November 14, 1949. Default decree of condemnation and destruction.

15521. Misbranding of canned tuna fish. U. S. v. 4 Cases * * *. (F. D. C. No. 27629. Sample No. 56152-K.)

LIBEL FILED: August 5, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about February 16, 1949, by the California Sea Food Corp., from Long Beach, Calif.

PRODUCT: 4 cases, each containing 48 7-ounce cans, of tuna fish at New Haven, Conn. Examination showed that the product was not fancy since it contained pieces and flake material in excess even of the amount recognized by the industry as a "standard" pack.

LABEL, IN PART: (Can) "Hunt's Supreme Quality * * * Fancy Albacore White Meat Tuna."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy * * * White Meat Tuna" was false and misleading as applied to an article which contained excessive pieces and flakes of tuna meat.

DISPOSITION: September 23, 1949. Default decree of condemnation. The court ordered that the product be distributed to charitable institutions.

15522. Adulteration of frozen whitefish. U. S. v. 400 Pounds * * *. (F. D. C. No. 27815. Sample No. 56384-K.)

LIBEL FILED: September 13, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 4, 1949, by the Main Fish Co., from Montreal, Canada.

PRODUCT: 400 pounds of frozen whitefish contained in 8 boxes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: September 30, 1949. Default decree of condemnation and destruction.

15523. Adulteration of oysters. U. S. v. 420 Cans, etc. (F. D. C. No. 28386. Sample Nos. 46761-K, 46762-K.)

LIBEL FILED: November 25, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 21, 1949, by Carol Dryden & Co., Inc., from Crisfield, Md.

PRODUCT: 685 pint cans of oysters at Altoona, Pa.

LABEL, IN PART: "Pride of The Chesapeake Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 15, 1949. Default decree of condemnation and destruction.

15524. Adulteration of oysters. U. S. v. 84 Cans, etc. (F. D. C. No. 28385. Sample Nos. 47214-K, 47215-K.)

LIBEL FILED: November 25, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 19, 1949, by the Dryden Bros. Sea Food Co., from Crisfield, Md.

PRODUCT: 168 cans, each containing 1 pint, of oysters at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 15, 1949. Default decree of condemnation and destruction.

15525. Adulteration of canned sea scallops. U. S. v. 27 Cases * * *. (F. D. C. No. 28053. Sample No. 62664-K.)

LIBEL FILED: On or about October 20, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 19, 1949, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 27 cases, each containing 48 7-ounce cans, of sea scallops at Providence, R. I.

LABEL, IN PART: (Can) "Cape King Deep Sea Scallops."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: December 15, 1949. Default decree of condemnation and destruction.

15526. Adulteration of frozen shrimp. U. S. v. 359 Cases * * *. (F. D. C. No. 27958. Sample No. 49500-K.)

LIBEL FILED: October 31, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about October 19, 1949, by Fast Frozen Foods, Inc., from Chicago, Ill.

PRODUCT: 359 cases, each containing 8 3-pound cartons, of frozen shrimp at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance by reason of the presence of putrid shrimp.

DISPOSITION: November 30, 1949. Fast Frozen Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and

the court ordered that the product be released under bond, to be denatured for use as bait shrimp under the supervision of the Food and Drug Administration.

15527. Adulteration of frozen shrimp. U. S. v. 11 Cases * * *. (F. D. C. No. 28272. Sample Nos. 10341-K, 10342-K.)

LIBEL FILED: November 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about September 10, 1949, from North Carolina, South Carolina, Georgia, and Florida.

PRODUCT: 11 cases, each containing 10 5-pound cartons, of frozen shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1949. Default decree of condemnation and destruction.

15528. Adulteration of crab meat. U. S. v. 1 Barrel * * * (and 1 other seizure action). (F. D. C. Nos. 28090, 28091. Sample Nos. 66816-K, 66817-K.)

LIBELS FILED: August 24 and 25, 1949, District of Maryland and Southern District of New York.

ALLEGED SHIPMENT: On or about August 22, 1949, by Coston Co., Inc., from Hampton, Va.

PRODUCT: 1 barrel containing 100 pounds of crab meat at New York, and 169 1-pound cans of crab meat at Baltimore, Md. Analysis showed that the product was contaminated with *B. coli*.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), a portion of the product (the Baltimore lot) had been prepared under insanitary conditions whereby it may have become contaminated with filth

DISPOSITION: September 28 and October 10, 1949. Coston Co., Inc., having filed an answer to the libel against the Baltimore lot, denying the allegations of the libel, but having consented to the entry of a decree, and no claim having been entered for the New York lot, judgments of condemnation were entered and the respective courts ordered that the product be destroyed.

15529. Adulteration of crab meat. U. S. v. 1 Barrel * * *. (F. D. C. No. 27871. Sample No. 66903-K.)

LIBEL FILED: On or about July 29, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1949, by the J. M. Clayton Co., from Cambridge, Md.

PRODUCT: 1 barrel, containing 92 1-pound cans, of crab meat at New York, N. Y. Examination showed that the product was contaminated with *B. coli* of fecal origin.

LABEL, IN PART: (Can) "Epicure Quality Regular Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: October 17, 1949. Default decree of condemnation and destruction.

15530. Adulteration of crab meat. U. S. v. 83 Cans, etc. (F. D. C. No. 27800. Sample No. 47911-K.)

LIBEL FILED: August 29, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about August 23, 1949, by Lancaster Seafoods, Inc., from Morattico, Va.

PRODUCT: 226 1-pound cans of crab meat at Washington, D. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: September 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for use by that institution, but not for sale.

FRUITS AND VEGETABLES

DRIED FRUIT

15531. Adulteration of apple chops. U. S. v. 200 Bags * * *. (F. D. C. No. 28395. Sample No. 55688-K.)

LIBEL FILED: November 29, 1949, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about August 30, 1949, from Sebastopol, Calif.

PRODUCT: 200 40-pound bags of apple chops at Oklahoma City, Okla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 5, 1949. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

FROZEN FRUIT

15532. Adulteration of frozen raspberries. U. S. v. 200 Cans * * *. (F. D. C. No. 27905. Sample No. 52017-K.)

LIBEL FILED: October 10, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 3, 1949, by the Sodus Fruit Exchange, from Sodus, Mich.

PRODUCT: 200 28-pound cans of frozen raspberries at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed berries.

DISPOSITION: November 7, 1949. Default decree of condemnation and destruction.

15533. Adulteration of frozen strawberries. U. S. v. 111 Cans * * *. (F. D. C. No. 27881. Sample No. 13639-K.)

LIBEL FILED: September 27, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 30, 1949, by Fruit Processors, Inc., from St. Joseph, Mich.

PRODUCT: 111 30-pound cans of frozen strawberries at Harrisburg, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed berries.

DISPOSITION: December 12, 1949. Default decree of condemnation and destruction.

VEGETABLES

15534. Adulteration and misbranding of canned corn. U. S. v. 7 Cases * * *.
(F. D. C. No. 28064. Sample No. 52914-K.)

LIBEL FILED: October 19, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about June 8, 1949, by the Tom Corwin Canning Co., from Lebanon, Ohio.

PRODUCT: 7 cases, each containing 6 6-pound, 10-ounce cans, of corn at Lancaster, Ky.

LABEL, IN PART: (Can) "Red Rose Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity of canned cream style corn since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: December 12, 1949. Default decree of destruction.

15535. Adulteration of Mexicorn (canned corn and peppers). U. S. v. 78 Cases * * *.
(F. D. C. No. 27937. Sample No. 53596-K.)

LIBEL FILED: October 21, 1949, Southern District of Texas.

ALLEGED SHIPMENT: On or about September 7, 1949, by the Minnesota Valley Canning Co., from Blue Earth, Minn.

PRODUCT: 78 cases, each containing 24 12-ounce cans, of Mexicorn at Houston, Tex.

LABEL, IN PART: (Can) "Niblets Brand Mexicorn Whole Kernel Corn Sweet Red and Green Peppers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

DISPOSITION: November 25, 1949. Default decree of condemnation and destruction.

15536. Adulteration of canned black-eyed peas. U. S. v. 254 Cases * * *.
(F. D. C. No. 27892. Sample No. 63767-K.)

LIBEL FILED: October 4, 1949, Middle District of Georgia.

ALLEGED SHIPMENT: On or about December 7, 1948, from Hohenwald, Tenn.

PRODUCT: 254 cases, each containing 24 15-ounce cans, of black-eyed peas at Albany, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1949. Default decree of condemnation and destruction.

TOMATOES

15537. Adulteration of canned tomatoes. U. S. v. 250 Cases, etc. (F. D. C. No. 27948. Sample Nos. 46317-K to 46319-K, incl.)

LIBEL FILED: October 28, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about September 20, 1949, by the Omega Canning Co., from Atlanta, Ind.

PRODUCT: 411 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Springfield, Ill.

LABEL, IN PART: "Glendale Brand [or "Tastgood Brand" or "Mrs. Lane's"] Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 7, 1949. Default decree of condemnation and destruction.

15538. Adulteration and misbranding of canned tomatoes. U. S. v. 741 Cases
* * *. (F. D. C. No. 28013. Sample No. 63709-K.)

LIBEL FILED: September 29, 1949, Western District of North Carolina.

ALLEGED SHIPMENT: On or about August 10, 1949, by the Longwoods Canning Co., from Longwoods, Md.

PRODUCT: 741 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Murphy, N. C.

LABEL, IN PART: (Can) "Longwoods Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted in the standard.

DISPOSITION: November 21, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

15539. Adulteration and misbranding of canned tomatoes. U. S. v. 698
Cases * * *. (F. D. C. No. 27828. Sample No. 52322-K.)

LIBEL FILED: September 9, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 13, 1949, by A. W. Sisk & Son, from Longwoods, Md.

PRODUCT: 698 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Nashville, Tenn.

LABEL, IN PART: (Can) "Longwoods Brand Tomatoes * * * Packed in U. S. A. by Longwoods Canning Co. Longwoods, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained

added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: November 29, 1949. Default decree of condemnation. The court ordered that the product be delivered to a county institution.

15540. Adulteration and misbranding of canned tomatoes. U. S. v. 497 Cases * * *. (F. D. C. No. 27845. Sample No. 47623-K.)

LIBEL FILED: September 16, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 22, 1949, by A. W. Sisk & Son and W. T. Andrews, from Cambridge, Md.

PRODUCT: 497 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Va.

LABEL, IN PART: (Can) "Red-Glo Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added water had been substituted in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient in the definition and standard.

DISPOSITION: November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

NUTS AND NUT PRODUCTS

15541. Adulteration of brazil nuts. U. S. v. 50 Cases * * *. (F. D. C. No. 28287. Sample No. 13989-K.)

LIBEL FILED: November 10, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 28, 1949, by Graham Co., Inc., from New York, N. Y.

PRODUCT: 50 cases, each containing 24 1-pound bags, of brazil nuts at Philadelphia, Pa.

LABEL, IN PART: (Bag) "Brazil Redbow Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts.

DISPOSITION: November 30, 1949. No claimant having appeared, judgment of condemnation was entered and the court ordered that the product be destroyed.

15542. Adulteration of shelled pecans. U. S. v. 8 Boxes * * *. (F. D. C. No. 27995. Sample No. 48427-K.)

LIBEL FILED: September 22, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 16, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 8 30-pound boxes of shelled pecans at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: October 24, 1949. Default decree of condemnation and destruction.

15543. Adulteration of shelled pecans. U. S. v. 6 Cases * * *. (F. D. C. No. 27708. Sample No. 33101-K.)

LIBEL FILED: August 24, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about July 2 and 29, 1949, by the Guadalupe Valley Pecan Co., from San Antonio, Tex.

PRODUCT: 6 30-pound cases of shelled pecans at San Francisco, Calif.

LABEL, IN PART: "Home Delight Pecans * * * Fancy Midget Pieces."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food because of its musty, rancid, and disagreeable flavor and odor.

DISPOSITION: October 20, 1949. Default decree of condemnation and destruction.

15544. Adulteration of shelled pecans. U. S. v. 4 Cases * * *. (F. D. C. No. 27973-A. Sample No. 69018-K.)

LIBEL FILED: November 7, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about October 6, 1949, by Dixie Paper Shell Pecan Exchange, Inc., from Barnesville, Ga.

PRODUCT: 4 30-pound cases of shelled pecans at Mayville, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed pecans.

DISPOSITION: December 5, 1949. Default decree of condemnation and destruction.

15545. Adulteration of shelled pecans. U. S. v. 2 Cases * * *. (F. D. C. No. 27984. Sample No. 47777-K.)

LIBEL FILED: November 9, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 1, 1949, by the Dixie Paper Shell Pecan Exchange, Inc., from Barnesville, Ga.

PRODUCT: 2 50-pound cases of shelled pecans at Charleston, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of rancid pecans.

DISPOSITION: December 19, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15546. Adulteration of pinon nuts. U. S. v. 15 Bags * * *. (F. D. C. No. 27738. Sample No. 29786-K.)

LIBEL FILED: September 8, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about August 2, 1949, by the Hardy's Sales Co., from Albuquerque, N. Mex.

PRODUCT: 15 bags of pinon nuts at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and stones.

DISPOSITION: October 10, 1949. The Hardy's Sales Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into

compliance with the law, under the supervision of the Food and Drug Administration. The nuts were hand-picked and all filth was removed.

15547. Adulteration of coconut. U. S. v. 48 Bags * * *. (F. D. C. No. 28074. Sample No. 62616-K.)

LIBEL FILED: October 19, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 13, 1949, from Manila, P. I.

PRODUCT: 48 90-pound bags of coconut at Boston, Mass., in possession of the Isthmian Steamship Co., Berth #7, Army Base.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 12, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS FOODS

15548. Adulteration of imitation raspberry-flavored apple filling. U. S. v. 10 Pails * * *. (F. D. C. No. 27207. Sample Nos. 5864-K, 5865-K.)

LIBEL FILED: On or about May 18, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 7, 1949, by the Carew-Powers Co., from Boston, Mass.

PRODUCT: 10 55-pound pails of imitation raspberry-flavored apple filling at Providence, R. I.

LABEL, IN PART: (Pail) "C and P Princess Brand Imitation Raspberry Flavored Apple Filling."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color and raspberry seeds had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

DISPOSITION: June 21, 1949. Default decree of condemnation. The court ordered that the product be delivered to public or charitable institutions.

15549. Adulteration of imitation raspberry-flavored peach filling. U. S. v. 4 Pails * * *. (F. D. C. No. 27554. Sample No. 62355-K.)

LIBEL FILED: June 30, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about April 28, 1949, by the Harco Food Co., from Boston, Mass.

PRODUCT: 4 unlabeled pails, each containing 45 pounds, of imitation raspberry-flavored peach filling at Pawcatuck, Conn.

LABEL, IN PART: (Carton) "Imitation Raspberry Flavored Peach Filling Harco Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color and raspberry seeds had been added to the product and mixed and packed with it so as to make it appear better or of greater value than it was.

DISPOSITION: August 1, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15550. Adulteration of canned pineapple pudding. U. S. v. 2 Cases * * *.
(F. D. C. No. 27912. Sample No. 68918-K.)

LIBEL FILED: October 13, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 11, 1948, from Rochester, N. Y.

PRODUCT: 2 cases, each containing 24 7¾-ounce jars, of pineapple pudding at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance by reason of the presence of putrid material, and it was otherwise unfit for food since the jar lids had developed pinholes. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15501 TO 15550

PRODUCTS

	N. J. No.		N. J. No.
Apple chops_____	15531	Oysters_____	15523, 15524
filling, imitation raspberry-fla- vored _____	15548	Pastry flour_____	15505, 15506
Black-eyed peas, canned_____	15536	Peach filling, imitation raspberry- flavored _____	15549
Brazil nuts_____	15541	Peas, black-eyed, canned_____	15536
Butter_____	15510-15515	Pecans, shelled_____	15542-15545
Cereals and cereal products_____	15501- 15509	Pineapple pudding, canned_____	15550
Coconut _____	15547	Pinon nuts_____	15546
Corn, canned_____	15534	Popcorn _____	15507
and peppers "Mexicorn"_____	15535	Raspberries, frozen_____	15532
meal _____	15501-15503	Raspberry-flavored apple filling, imitation _____	15548
Crab meat_____	15528-15530	peach filling, imitation_____	15549
Dairy products_____	15510-15515	Roe, herring, canned_____	15517
Dough mix _____	15506	Roman Meal (bakers mixture)_	15509
Fish and shellfish_____	15516-15530	Rye flour _____	15505
Flour _____	15504-15506	Sardines, canned _____	15518
Fruits and vegetables_____	15531-15540	Scallops, sea, canned_____	15525
fruit, dried _____	15531	Shellfish. See Fish and shell- fish.	
frozen _____	15532, 15533	Shrimp, frozen _____	15526, 15527
tomatoes _____	15537-15540	Strawberries, frozen _____	15533
vegetables _____	15534-15536	Tomatoes, canned _____	15537-15540
Herring, frozen _____	15516	Tullibeas, fresh _____	15519, 15520
roe, canned _____	15517	Tuna fish, canned _____	15521
Mexicorn (canned corn and pep- pers) _____	15535	Vegetables. See Fruits and vege- tables.	
Nuts and nut products_____	15541-15547	Whitefish, frozen _____	15522
Oatmeal _____	15508		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
American Roland Food Co.:		Andrews, W. T.:	
herring roe, canned _____	15517	canned tomatoes _____	15540

Arkansas City Co-operative Milk Assn.:		Hardy's Sales Co.:	
butter-----	15513	pinon nuts-----	15546
California Sea Food Corp.:		Herrman-McLean Co.:	
canned tuna fish-----	15521	corn meal-----	15502
Cape King Fisheries, Inc.:		Isthmian Steamship Co.:	
canned sea scallops-----	15525	coconut-----	15547
Carew-Powers Co.:		Keystone Fisheries, Ltd.:	
imitation raspberry - flavored		fresh tullibeas-----	15519
apple filling-----	15548	Lake St. Peter Fisheries, Ltd.:	
Clayton, J. M., Co.:		fresh tullibeas-----	15520
crab meat-----	15529	Lancaster Seafoods, Inc.:	
Corwin, Tom, Canning Co.:		crab meat-----	15530
canned corn-----	15534	Langenfeld Dairy Products:	
Coston Co., Inc.:		butter-----	15514
crab meat-----	15528	Leoma Milling Co.:	
Dearmin & Co.:		corn meal-----	15501
butter-----	15511	Longwoods Canning Co.:	
De Coursey Cream Co.:		canned tomatoes-----	15538, 15539
salt butter-----	15515	Main Fish Co.:	
Dixie Paper Shell Pecan Exchange, Inc.:		frozen whitefish-----	15522
shelled pecans-----	15544, 15545	Merchants Creamery Co.:	
Dryden, Carol, & Co., Inc.:		butter-----	15510
oysters-----	15523	Minnesota Valley Canning Co.:	
Dryden Bros. Sea Food Co.:		Mexican (canned corn and	
oysters-----	15524	peppers)-----	15535
Elam Mills, Inc.:		Myers, Urban F., & Co.:	
corn meal-----	15503	Roman Meal (bakers mixture)-----	15509
Fast Frozen Foods, Inc.:		Omega Canning Co.:	
frozen shrimp-----	15526	canned tomatoes-----	15537
Fortune Fisheries:		Orangeburg Pecan Co.:	
canned sardines-----	15518	shelled pecans-----	15542
Fruit Processors, Inc.:		Riviera Packing Co.:	
frozen strawberries-----	15533	herring roe, canned-----	15517
General Mills:		Romeo Packing Co.:	
plain flour, enriched flour, rye		canned sardines-----	15518
flour, and pastry flour-----	15505	Sisk, A. W., & Son:	
Graham Co., Inc.:		canned tomatoes-----	15539, 15540
brazil nuts-----	15541	Sodus Fruit Exchange:	
Guadalupe Valley Pecan Co.:		frozen raspberries-----	15532
shelled pecans-----	15543	Sugar Creek Creamery Co.:	
Harco Food Co.:		butter-----	15512
imitation raspberry - flavored		Whitley, R. J.:	
peach filling-----	15549	popcorn-----	15507



FEDERAL REGISTER

The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

Agriculture
Aliens
Atomic Energy
Aviation
Business Credit
Communications
Customs
Fair Trade Practice
Food and Drugs
Foreign Relations and Trade
Housing
Labor Relations

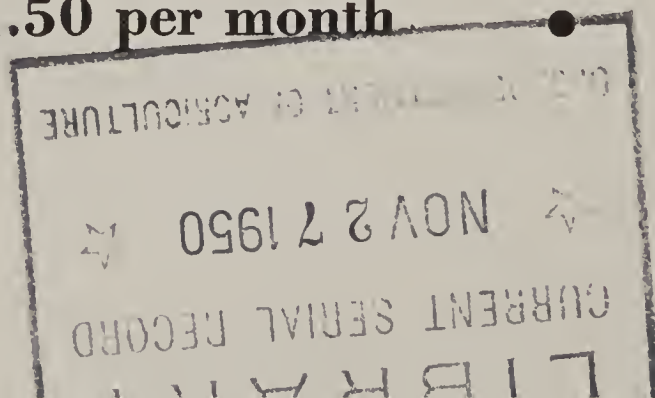
Marketing
Military Affairs
Money and Finance
Patents
Public Contracts
Public Lands
Securities
Shipping
Social Security
Taxation
Transportation
Utilities
Veterans' Affairs
Wages and Hours

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

\$1.50 per month

\$15 per year



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15551-15600

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

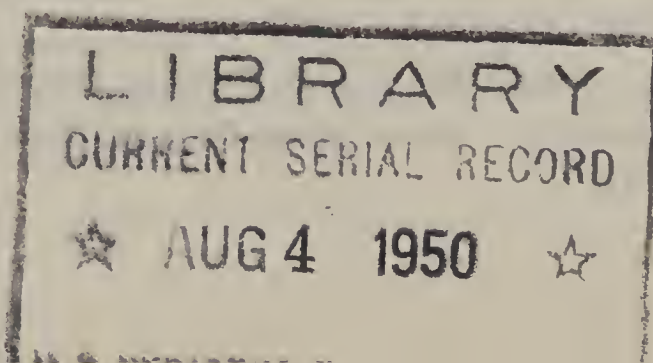
PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 25, 1950.

CONTENTS

	Page		Page
Beverages and beverage materials	852	Fruits and vegetables	862
Cereals and cereal products	853	Canned fruit	862
Corn meal	853	Frozen fruit	863
Flour	854	Vegetables	863
Macaroni and noodle products	856	Tomatoes	864
Miscellaneous cereals and cereal products	857	Poultry	866
Dairy products	858	Shellfish	867
Butter	858	Spices, flavors, and seasoning materials	868
Cheese	860	Vitamin, mineral, and other products of special dietary significance	868
Miscellaneous dairy product	860	Index	869
Eggs	861		
Feeds and grains	861		

851



BEVERAGES AND BEVERAGE MATERIALS

15551. Adulteration of canned pineapple juice. U. S. v. 408 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27898, 27899. Sample Nos. 52012-K to 52014-K, incl.)

LIBELS FILED: October 7, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 23 and September 12, 1949, by the Parkhurst Canning Co., from Brooklyn, N. Y.

PRODUCT: 966 cases, each containing 6 3-quart cans, of pineapple juice at Cleveland, Ohio.

LABEL, IN PART: "La Famosa Brand Fancy Puerto Rico Pineapple Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, and of a decomposed substance by reason of the presence of decomposed pineapple material.

DISPOSITION: December 8, 1949. Default decrees of condemnation and destruction.

15552. Adulteration of tomato juice. U. S. v. 15 Cases * * *. (F. D. C. No. 28014. Sample No. 52578-K.)

LIBEL FILED: October 3, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about April 8, 1949, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 15 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Covington, Ky.

LABEL, IN PART: "Blue Grass Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 24, 1949. Default decree of destruction.

15553. Adulteration of tomato juice. U. S. v. 81 Cases * * *. (F. D. C. No. 27739. Sample No. 60874-K.)

LIBEL FILED: September 8, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 11, 1949, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 81 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at St. Louis, Mo.

LABEL, IN PART: "Webster's Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 4, 1949. Default decree of condemnation and destruction.

15554. Adulteration of tomato juice. U. S. v. 382 Cans * * *. (F. D. C. No. 27743. Sample No. 60873-K.)

LIBEL FILED: September 9, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 11, 1949, by the G. L. Webster Co., from Cheriton, Va.

PRODUCT: 382 1-quart, 14-ounce cans, of tomato juice at St. Louis, Mo.

LABEL, IN PART: "Webster's Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 4, 1949. Default decree of condemnation and destruction.

15555. Adulteration of coffee sweepings. U. S. v. 4 Drums * * *. (F. D. C. No. 28054. Sample No. 62875-K.)

LIBEL FILED: October 14, 1949, District of Massachusetts.

ALLEGED SHIPMENT: The product was shipped from foreign countries on various unknown dates.

PRODUCT: 4 150-pound drums of coffee sweepings at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-eaten beans, pieces of twine, pieces of newspaper, burnt matches, wood splinters, and other miscellaneous debris. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 28, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

CORN MEAL

15556. Adulteration of corn meal. U. S. v. 43 Bags, etc. (F. D. C. No. 28016. Sample No. 52817-K.)

LIBEL FILED: October 3, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about September 13, 16, and 19, 1949, by the Early & Daniel Co., from Cincinnati, Ohio.

PRODUCT: Corn meal. 43 5-pound bags, 19 25-pound bags, and 68 10-pound bags at Covington, Ky.

LABEL, IN PART: "Tuxedo Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs.

DISPOSITION: November 7, 1949. Default decree of condemnation and sale. The decree provided that the Marshal require a bond from the purchaser that the product would be used as animal feed, or, in lieu of bond, that the product be denatured so that it could not be disposed of for human consumption.

15557. Adulteration of corn meal. U. S. v. 26 Bags * * *. (F. D. C. No. 27986. Sample No. 52577-K.)

LIBEL FILED: September 23, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 19, 1949, by Stanley Rohe, Wade Street Food Market, from Cincinnati, Ohio.

PRODUCT: 26 25-pound bags of corn meal at Covington, Ky.

LABEL, IN PART: "Fancy White Bolted Corn Meal * * * Processed By Weisheimer Bros. * * * Columbus, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 14, 1949. Default decree of condemnation. The court ordered that the product be sold, to be denatured and disposed of as animal feed, under the supervision of the Food and Drug Administration.

15558. Adulteration of corn meal. U. S. v. 113 Sacks * * *. (F. D. C. No. 28049. Sample No. 52062-K.)

LIBEL FILED: October 13, 1949, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about September 29, 1949, by the Herrman-McLean Co., from Monroeville, Ohio.

PRODUCT: 113 5-pound sacks of corn meal at Farmington, W. Va.

LABEL, IN PART: "Ohio Fancy Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 5, 1949. Default decree of condemnation and destruction. Destruction of the product was effected by delivering it to a public institution, for use as animal feed.

FLOUR*

Nos. 15559 to 15564 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) The flour reported in No. 15565 failed to meet the standard for enriched flour.

15559. Adulteration of flour. U. S. v. 62 Bags * * *. (F. D. C. No. 28022. Sample No. 63759-K.)

LIBEL FILED: October 13, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 27, 1949, from Enid, Okla.

PRODUCT: 62 25-pound bags of flour at Orlando, Fla., in possession of Chitty & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, rodent excreta, and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1949. Default decree of condemnation and destruction.

15560. Adulteration of flour. U. S. v. 15 Bags, etc. (F. D. C. No. 28027. Sample Nos. 63756-K to 63758-K, incl.)

LIBEL FILED: October 13, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 4, 1949, from Springfield, Ill.

PRODUCT: 29 100-pound bags of flour at Sanford, Fla.

*See also No. 15569.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1949. Default decree of condemnation and destruction.

15561. Adulteration of flour. U. S. v. 23 Bags * * *. (F. D. C. No. 27944. Sample No. 35286-K.)

LIBEL FILED: October 28, 1949, Northern District of California.

ALLEGED DELIVERY FOR SHIPMENT: On or about August 10, 1949, at San Francisco, Calif.

PRODUCT: 23 100-pound bags of flour at San Francisco, Calif. The product had been delivered to the dock at San Francisco and had been exposed to rodent contamination while it was being held during a strike.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 8, 1949. Default decree of condemnation and destruction.

15562. Adulteration of flour. U. S. v. 13 Bags * * *. (F. D. C. No. 28362. Sample No. 33934-K.)

LIBEL FILED: November 22, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about July 20, 1949, from Portland, Oreg.

PRODUCT: 13 100-pound bags of flour at Sacramento, Calif., in possession of the Colisseum Macaroni Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (The product contained rodent urine.) Further adulteration, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 8, 1949. Default decree of condemnation and destruction.

15563. Adulteration of flour. U. S. v. 7 Bags * * *. (F. D. C. No. 28034. Sample No. 62660-K.)

LIBEL FILED: On or about October 13, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about July 9, 1949, from Cleveland, Ohio.

PRODUCT: 7 100-pound bags of flour at Woonsocket, R. I.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 15, 1949. Default decree of condemnation and destruction.

15564. Adulteration of flour. U. S. v. 22 Sacks, etc. (F. D. C. No. 27965. Sample Nos. 33931-K, 33932-K.)

LIBEL FILED: November 9, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about October 29, 1948, and July 19, 1949, from Spokane, Wash.

PRODUCT: 33 100-pound sacks of flour at Turlock, Calif., in possession of Home Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 8, 1949. Default decree of condemnation and destruction.

15565. Adulteration and misbranding of enriched flour. U. S. v. 34 Bags * * *. (F. D. C. No. 27727. Sample No. 60852-K.)

LIBEL FILED: August 30, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 14 and July 13, 1949, by the H. C. Cole Milling Co., from Chester, Ill.

PRODUCT: 34 bags, each containing 10 5-pound bags, of enriched flour at St. Louis, Mo.

LABEL, IN PART: "Omega Pure Soft Wheat Four * * * Vitamins and Minerals Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since the article contained less than 2.0 milligrams of thiamine (vitamin B₁) per pound.

DISPOSITION: September 29, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

MACARONI AND NOODLE PRODUCTS

15566. Adulteration of egg noodles and macaroni. U. S. v. Antonio Palazzolo & Co. and Peter J. Palazzolo. Pleas of guilty. Each defendant fined \$150. (F. D. C. No. 27536. Sample Nos. 2599-K, 47702-K, 47801-K.)

INFORMATION FILED: September 26, 1949, Southern District of Ohio, against Antonio Palazzolo & Co., a partnership, Cincinnati, Ohio, and Peter J. Palazzolo, a partner.

ALLEGED SHIPMENT: On or about March 7 and 18, 1949, from the State of Ohio into the States of Virginia and West Virginia.

LABEL, IN PART: "Kroger Pure Egg Noodles Distributed By The Kroger Co. Cincinnati 2, Ohio" and "Broken Macaroni Made From Semolina."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, feather barbules, rodent hair, and cat hair; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: October 24, 1949. Pleas of guilty having been entered, each defendant was fined \$150.

15567. Adulteration of spaghetti dinner and macaroni dinner. U. S. v. 31 Cases, etc. (F. D. C. No. 27893. Sample Nos. 68108-K to 68110-K, incl.)

LIBEL FILED: October 7, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about April 27 and June 24, 1946, from Seattle, Wash.

PRODUCT: 31 cases, each containing 24 8-ounce packages, and 24 cases, each containing 48 6-ounce packages, of spaghetti dinner; and 15 cases, each containing 24 6-ounce packages, of macaroni dinner, at Lewiston, Idaho.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 7, 1949. Default decree of forfeiture and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15568. Adulteration of popcorn. U. S. v. 199 Bags * * *. (F. D. C. No. 27736. Sample No. 33991-K.)

LIBEL FILED: September 7, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about January 10, 1945, from Fort Collins, Colo.

PRODUCT: 199 100-pound bags of popcorn at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 6, 1949. Default decree of condemnation and destruction.

15569. Adulteration of doughnut mix and soya flour. U. S. v. 8 Bags, etc. (F. D. C. No. 27972. Sample Nos. 68924-K to 68926-K, incl.)

LIBEL FILED: November 7, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 2, September 10, and November 18, 1948, and January 3, 1949, from Buffalo, N. Y., and Chicago, Ill.

PRODUCT: 8 100-pound bags of doughnut mix and 11 100-pound bags of soya flour at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 18, 1949. Default decree of condemnation and destruction.

15570. Adulteration of tapioca flour. U. S. v. 61 Bags * * *. (F. D. C. No. 28265. Sample No. 62897-K.)

LIBEL FILED: November 8, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 10, 1949, by Gurjao & Cia, from Parnahiba, Brazil.

PRODUCT: 61 135-pound bags of tapioca flour at East Cambridge, Mass.

LABEL, IN PART: "Gurjao Brasil Product of Brazil * * * Tapioca Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: December 9, 1949. American Key Products, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured and sold for use in the manufacture of adhesives and textile sizes.

15571. Adulteration of dry malt extract. U. S. v. 20 Cans * * *. (F. D. C. No. 27780. Sample No. 13630-K.)

LIBEL FILED: August 19, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 11, 1949, by the Dextora Co., Indianapolis, Ind.

PRODUCT: 20 cans, each containing 25 pounds, of dry malt extract at Lititz, Pa.

LABEL, IN PART: "Duffy's Dry Malt Extract."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 23, 1949. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 15572 and 15573, and that was below the legal standard for milk fat content, Nos. 15574 to 15577.

15572. Adulteration of butter. U. S. v. 21 Cartons * * *. (F. D. C. No. 28079. Sample No. 11979-K.)

LIBEL FILED: September 2, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 5, 1949, by Farmer's Cooperative Creamery, Inc., from Crawfordsville, Ind.

PRODUCT: 21 cartons, each containing 32 1-pound prints, of butter at Kearny, N. J.

LABEL, IN PART: "Richland Brand Creamery Butter Distributed by American Stores Co. Philadelphia, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance since it contained mold.

DISPOSITION: October 26, 1949. Default decree of condemnation. The court ordered that the product be denatured and sold to a soap manufacturer.

15573. Adulteration of butter. U. S. v. 13 Cases, etc. (F. D. C. No. 28336. Sample Nos. 63716-K, 63717-K.)

LIBEL FILED: On or about September 27, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 7, 1949, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 13 cases, each containing 12 pounds, and 3 cases, each containing 4 5-pound packages, of butter at Atlanta, Ga.

LABEL, IN PART: "Kingan's Reliable Creamery Butter * * * Packed for Kingan & Company" or "Rose Brand * * * Creamery Butter * * * Manufactured by Merchants Creamery Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of having been made from filthy and moldy cream.

DISPOSITION: October 28, 1949. Default decree of condemnation and destruction.

15574. Adulteration of butter. U. S. v. 149 Boxes * * * (and 1 other seizure action); (29,995 pounds total). (F. D. C. Nos. 26051, 26053. Sample Nos. 15178-K, 15181-K, 41718-K.)

LIBELS FILED: On or about September 13 and 15, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 3 and 17, 1948, by the Pruitt Produce Co., from Ardmore, Okla.

PRODUCT: 471 boxes, each containing 63 or 64 pounds, of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 5 and 8, 1948. The Peter Fox Sons Co., Chicago, Ill., having appeared as claimant, judgments of condemnation were entered and the court ordered that the portion of the butter containing less than 80 percent of milk fat be released under bond for reworking, under the supervision of the Food and Drug Administration.

15575. Adulteration and misbranding of butter. U. S. v. 18 Boxes (1,206 pounds) * * * (F. D. C. No. 27651. Sample No. 11951-K.)

LIBEL FILED: June 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about June 9, 1949, by the Knoxville Cooperative Creamery, from Knoxville, Iowa.

PRODUCT: 18 67-pound boxes of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the article was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

DISPOSITION: July 12, 1949. The Knoxville Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

15576. Adulteration and misbranding of butter. U. S. v. 116 Cartons (7,424 pounds) * * *. (F. D. C. No. 28087. Sample No. 56661-K.)

LIBEL FILED: September 1, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 20, 1949, by the Berger Creamery Co., from South Sioux City, Nebr.

PRODUCT: 116 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Salted Butter William Menzer Inc. Distributor New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the article was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

DISPOSITION: September 22, 1949. William Menzer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

15577. Adulteration of butter. U. S. v. 12 Cartons (792 pounds) * * *.
(F. D. C. No. 27869. Sample No. 45494-K.)

LIBEL FILED: May 4, 1949, Northern District of Iowa.

ALLEGED SHIPMENT: On or about April 25, 1949, by the East Chain Co-op. Creamery Assn., from Fairmont, Minn.

PRODUCT: 12 66-pound cartons of butter at Dubuque, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 19, 1949. The East Chain Co-op. Creamery Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

CHEESE

15578. Adulteration of skim milk cheese. U. S. v. 48 Cartons, etc. (F. D. C. No. 27608. Sample Nos. 11959-K, 11960-K.)

LIBEL FILED: July 28, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 7, 1949, by the Niobe Cheese Co., from Niobe, N. Y.

PRODUCT: Skim milk cheese. 48 cartons, each containing approximately 37 pounds, and 14 barrels, each containing approximately 300 pounds, at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was adulterated by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

MISCELLANEOUS DAIRY PRODUCT

15579. Misbranding of nonfat dry milk solids. U. S. v. 327 Bags * * *.
(F. D. C. No. 27747. Sample No. 49834-K.)

LIBEL FILED: September 20, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about July 20, 1949, by Cresthaven Farms, Inc., from Zumbro Falls, Minn.

PRODUCT: 327 100-pound bags of nonfat dry milk solids at Denver, Colo.

LABEL, IN PART: "Roller Non Fat Dry Milk Solids."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for nonfat dry milk solids since it was not made from sweet milk of cows, as provided in the definition and standard, but was made from neutralized sour skim milk.

DISPOSITION: October 27, 1949. Cresthaven Farms, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured and sold as animal feed, under the supervision of the Federal Security Agency.

EGGS

15580. Adulteration and misbranding of frozen whole eggs. U. S. v. 40 Cans
* * *. (F. D. C. No. 26083. Sample No. 9238-K.)

LIBEL FILED: November 23, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1948, by the Iowa Falls Poultry & Egg Co., from Iowa Falls, Iowa.

PRODUCT: 40 30-pound cans of frozen whole eggs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Sections 403 (e) (1) and (2), the product was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), it purported to be frozen whole eggs, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: December 23, 1948. Bovers & Rosenblum, Inc., New York, N. Y., having appeared as claimant, judgment was entered and the court ordered that the product be released under bond for segregation and denaturing of the unfit portion for use as animal feed or commercial use, under the supervision of the Food and Drug Administration. Segregation operations resulted in the release of 30 cans of eggs as good and the denaturing of the remaining 10 cans.

FEEDS AND GRAINS

15581. Adulteration and misbranding of alfalfa meal. U. S. v. Bremco Alfalfa Mills, Inc. Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 26811. Sample No. 44228-K.)

INFORMATION FILED: August 9, 1949, Northern District of Ohio, against the Bremco Alfalfa Mills, Inc., New Bremen, Ohio.

ALLEGED SHIPMENT: On or about October 16, 1948, from the State of Ohio into the State of Kentucky.

PRODUCT: The product was unlabeled but was invoiced as "17% Dehydrated Alfalfa Meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it failed to bear a label showing the common or usual name of the article.

DISPOSITION: August 17, 1949. A plea of guilty having been entered, the court imposed a fine of \$100, together with costs.

15582. Adulteration and misbranding of dog food. U. S. v. 300 Cases * * *.
(F. D. C. No. 27282. Sample No. 8630-K.)

LIBEL FILED: May 27, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about May 2, 1949, by the Re-Dan Packing Co., from Ozone Park, N. Y.

PRODUCT: 300 cases, each containing 48 15½-ounce cans, of dog food at Perth Amboy, N. J.

LABEL, IN PART: "Tex Brand Dog Food * * * Guaranteed Analysis Min. 9% Protein."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Min. 9% Protein" was false and misleading since the product contained less than the declared amount of protein.

DISPOSITION: August 8, 1949. The Re-Dan Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

CANNED FRUIT*

15583. Misbranding of canned peaches. U. S. v. 998 Cases * * *. (F. D. C. No. 28315. Sample Nos. 52871-K, 52877-K.)

LIBEL FILED: November 23, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 20 and 21, 1949, by the Honee Bear Syrup & Preserving Co., from Lawton, Mich.

PRODUCT: 998 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Cincinnati, Ohio.

LABEL, IN PART: (Can) "Elberta Mary Jane Brand Peaches Fancy Halves Yellow Freestone."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Halves Yellow Freestone" was false and misleading as applied to the article, which was not of fancy grade. Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peaches since the weight of the largest unit was more than twice the weight of the smallest unit and because more than 20 percent of the units were blemished with scab or other abnormalities; and the cans failed to bear the substandard legend.

*Fruit juice, see Beverages and beverage materials.

DISPOSITION: December 9, 1949. The Honee Bear Syrup & Preserving Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

FROZEN FRUIT

15584. Misbranding of frozen blueberries. U. S. v. 30 Cases * * *. (F. D. C. No. 28396. Sample No. 54163-K.)

LIBEL FILED: December 5, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about October 14, 1949, by Frigid Food Products, Inc., from Detroit, Mich.

PRODUCT: 30 cases, each containing 36 cartons, of frozen blueberries at Dallas, Tex.

LABEL, IN PART: "Frigid Foods Net Wt. 1 Lb. Fresh Frozen Fruits Blueberries."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short weight.)

DISPOSITION: December 15, 1949. Frigid Food Products, Inc., claimant, having admitted the allegations of the libel, judgment was entered and the court ordered that the libel be sustained and that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

VEGETABLES

15585. Misbranding of canned cut green beans. U. S. v. 128 Cases * * *. (F. D. C. No. 28012. Sample No. 11770-K.)

LIBEL FILED: September 29, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about August 3, 1949, by Long Island Canning Co., Inc., from Riverhead, N. Y.

PRODUCT: 128 cases, each containing 6 6-pound, 5-ounce cans, of cut green beans at Hartford, Conn.

LABEL, IN PART: (Can) "Producers Brand Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since the deseeded pods contained excessive fibrous material and the label failed to bear the substandard legend.

DISPOSITION: November 30, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15586. Adulteration of canned corn. U. S. v. 3,495 Cases * * *. (F. D. C. No. 26392. Sample No. 48204-K.)

LIBEL FILED: January 6, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 28, October 2, and November 16, 1948, by the Princeville Canning Co., from Princeville, Ill.

PRODUCT: 3,495 cases, each containing 24 1-pound, 4-ounce cans, of corn at Philadelphia, Pa.

LABEL, IN PART: (Cans) "Asco Brand Fancy White Sugar Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: April 22, 1949. The Princeville Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 513 cases of the 2,738 cases seized were segregated as satisfactory. Arrangements were made for the destruction of the remainder of the product by feeding it to hogs.

TOMATOES*

15587. Adulteration of canned tomatoes. U. S. v. 198 Cases * * *. (F. D. C. No. 27715. Sample No. 51690-K.)

LIBEL FILED: August 24, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 2, 1949, by the Dupont Canning Co., from Dupont, Ind.

PRODUCT: 198 cases, each containing 6 1-pound, 12-ounce cans, of tomatoes at Cincinnati, Ohio.

LABEL, IN PART: "Morris Hand Packed Tomatoes * * * Morris Packing Co., Inc., Indianapolis, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 26, 1949. The consignee of the product having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

15588. Adulteration and misbranding of canned tomatoes. U. S. v. 592 Cases * * *. (F. D. C. No. 28037. Sample No. 47624-K.)

LIBEL FILED: October 10, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 22, 1949, by A. W. Sisk & Son, from Preston, Md.

PRODUCT: 592 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Norfolk, Va.

LABEL, IN PART: (Can) "Red-Glo Tomatoes * * * Albert W. Sisk & Son Distributors—Not Manufacturers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it had not been so processed by heat as to prevent spoilage and it contained added water, which is not permitted as an ingredient of canned tomatoes.

DISPOSITION: November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, after segregation and destruction of all cans containing decomposed tomatoes.

*Tomato juice, *see* Beverages and beverage materials.

15589. Adulteration and misbranding of canned tomatoes. U. S. v. 696 Cases
* * *. (F. D. C. No. 28233. Sample No. 47636-K.)

LIBEL FILED: October 25, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 18, 1949, by A. W. Sisk & Son, from Preston, Md.

PRODUCT: 696 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Portsmouth, Va.

LABEL, IN PART: (Can) "Red-Glo Tomatoes * * * Albert W. Sisk & Son Distributors—Not Manufacturers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), it fell below the standard of quality for canned tomatoes because of low drained weight, as determined by the sieve test, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 23, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, after segregation and destruction of all cans containing decomposed tomatoes.

15590. Adulteration and misbranding of canned tomatoes. U. S. v. 237 Cases
* * *. (F. D. C. No. 28266. Sample No. 63064-K.)

LIBEL FILED: November 2, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 1, 1949, by Thomas Roberts & Co., from Longwoods, Md.

PRODUCT: 237 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Boston, Mass.

LABEL, IN PART: (Can) "Patow-Om-Eke Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive tomato peel and its label failed to bear a statement that it fell below the standard.

DISPOSITION: December 12, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15591. Misbranding of canned tomatoes. U. S. v. 93 Cases * * *. (F. D. C. No. 28073. Sample No. 54027-K.)

LIBEL FILED: October 20, 1949, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 7, 1949, by the Delta Canning Co., from Raymondville, Tex.

PRODUCT: 93 cases, each containing 48 10-ounce cans, of tomatoes at Greenville, Miss.

LABEL, IN PART: "Delco Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and it was not labeled to show that it was substandard.

DISPOSITION: November 22, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

POULTRY

15592. Adulteration of frozen dressed turkeys. U. S. v. 103 Crates, etc. (F. D. C. No. 26933. Sample No. 8624-K.)

LIBEL FILED: March 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1949, by Colonial Stores, Inc., from Norfolk, Va. This was a shipment of turkeys which had been rejected and returned.

PRODUCT: 142 crates each containing 6 frozen dressed turkeys at Jersey City, N. J. Examination showed that the flesh of some of the turkeys was permeated with a substance giving off an obnoxious urine-like odor.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was decomposed or otherwise unfit for food.

DISPOSITION: July 5, 1949. William M. Stewart, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the purpose of returning it to the original shipper, F. K. Floden & Co., Modesto, Calif., to be eviscerated under the supervision of the Federal Security Agency. Upon the release of the turkeys, they were eviscerated and examined, and those found unfit for human consumption were segregated. A total of 60 turkeys were found unfit and were destroyed.

15593. Adulteration of frozen dressed turkeys. U. S. v. 43 Crates * * *. (F. D. C. No. 26967. Sample No. 8627-K.)

LIBEL FILED: April 5, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about December 3, 1948, by F. K. Floden & Co., from East Modesto, Calif.

PRODUCT: 43 crates each containing 6 frozen dressed turkeys at New York, N. Y. Analysis showed that the flesh some of the turkeys was permeated with a substance giving off an obnoxious urine-like odor.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was decomposed or otherwise unfit for food.

DISPOSITION: July 13, 1949. William M. Stewart, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of eviscerating each turkey, under the supervision of the Federal Security Agency. Upon the release of the turkeys, they were eviscerated and examined, and those found unfit for human consumption were segregated. A total of 15 turkeys were found unfit and were destroyed.

SHELLFISH

15594. Misbranding of oysters. U. S. v. 20 Barrels, etc. (F. D. C. No. 28369. Sample Nos. 47212-K, 47213-K.)

LIBEL FILED: November 18, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1949, by E. I. Webb & Co., from Weems, Va.

PRODUCT: 20 barrels of "standard" oysters and 8 barrels of "select" oysters at Pittsburgh, Pa. Each barrel contained 160 1-pint cans.

LABEL, IN PART: "Delicious Oysters * * * Standard [or "Select"]."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for oysters, "standards" and "selects," since they were not thoroughly drained, as required by the regulations.

DISPOSITION: November 18, 1949. E. I. Webb & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for removal of the surplus liquid, under the supervision of the Federal Security Agency.

15595. Misbranding of canned scallops. U. S. v. 5 Cases * * *. (F. D. C. No. 27552. Sample No. 56148-K.)

LIBEL FILED: June 30, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about May 18, 1949, by Neptune Food Products Co., Inc., from New Bedford, Mass.

PRODUCT: 5 cases, each containing 48 cans, of scallops at Bridgeport, Conn.

LABEL, IN PART: (Can) "Blue Band Brand Atlantic Coast Scallops Contents 13 oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

DISPOSITION: November 30, 1949. Default decree of condemnation. The court ordered that the product be distributed to charitable organizations.

15596. Adulteration of frozen shrimp. U. S. v. 225 Cases * * *. (F. D. C. No. 27949. Sample Nos. 49496-K, 49868-K.)

LIBEL FILED: October 28, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about September 27, 1949, by the L. A. Provision Co., from Los Angeles, Calif.

PRODUCT: 225 cases, each containing 12 12-ounce packages, of frozen shrimp at Denver, Colo.

LABEL, IN PART: "Gulf Princess Headless Shrimp Frozen Fresh Packers Rubenstein and Son Produce, Inc. Dallas, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: November 22, 1949. The L. A. Provision Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation

and disposition of the unfit portion, under the supervision of the Federal Security Agency. A total of 464 pounds of the product was segregated as unfit and was denatured.

SPICES, FLAVORS, AND SEASONING MATERIALS

15597. Adulteration of chili pepper. U. S. v. 1 Barrel * * *. (F. D. C. No. 28033. Sample No. 63721-K.)

LIBEL FILED: On or about October 12, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 29, 1948, from Chicago, Ill.

PRODUCT: 1 220-pound barrel of chili pepper at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 17, 1949. Default decree of condemnation and destruction.

15598. Adulteration of spaghetti sauce with mushrooms. U. S. v. 137 Cases * * *. (F. D. C. No. 27812. Sample Nos. 11542-K, 11551-K.)

LIBEL FILED: September 8, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about May 2, 1946, from Bridgeton, N. J.

PRODUCT: 137 cases, each containing 6 6-pound, 8-ounce cans, of spaghetti sauce with mushrooms at New York, N. Y. Examination showed that the product was undergoing chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 28, 1949. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15599. Adulteration and misbranding of vitamin tablets. U. S. v. 6 Cases * * *. (F. D. C. No. 28011. Sample No. 58161-K.)

LIBEL FILED: October 4, 1949, District of Arizona.

ALLEGED SHIPMENT: On or about January 29, 1948, from Gardena, Calif.

PRODUCT: 6 cases, each containing 48 100-tablet bottles, of vitamin tablets at Phoenix, Ariz. Examination showed that the product contained less than 5,000 U.S.P. units of vitamin A and less than 125% of the minimum daily requirement for vitamin A.

LABEL, IN PART: "One tablet provides: Vitamin A 5000 USP Units 125% MDR."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the statement "one tablet provides: Vitamin A 5000 USP Units 125% MDR," which appeared on the label, was false and

misleading. The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 25, 1949. Default decree of condemnation and destruction.

15600. Adulteration and misbranding of vitamin and mineral tablets. U. S. v. 1 Drum * * *. (F. D. C. No. 27672. Sample No. 27736-K.)

LIBEL FILED: August 1, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about June 14, 1949, from St. Louis, Mo.

PRODUCT: 1 drum containing approximately 9,300 vitamin and mineral tablets at Bloomington, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Ea. tab. cont.—Vit. B₁—1.5 mg." was false and misleading. (The product contained less than 1.5 milligrams of vitamin B₁ per tablet.)

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 23, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15551 TO 15600

PRODUCTS

	N. J. No.		N. J. No.
Alfalfa meal_____	15581	Fruits and vegetables____	15551-15554, 15583-15591
Beans, green, canned_____	15585	fruit, canned_____	15583
Beverages and beverage materials_____	15551-15555	frozen_____	15584
Blueberries, frozen_____	15584	tomatoes_____	15587-15591
Butter _____	15572-15577	vegetables_____	15585, 15586
Cereals and cereal products____	15556- 15571	Grains. See Feeds and grains.	
Cheese, skim milk_____	15578	Macaroni and noodle products___	15566, 15567
Chili pepper_____	15597	Malt extract, dry_____	15571
Coffee sweepings_____	15555	Milk solids, dry, nonfat_____	15579
Corn, canned _____	15586	Mushrooms, spaghetti sauce	
meal_____	15556-15558	with_____	15598
Dairy products _____	15572-15579	Noodles. See Macaroni and noodle products.	
Dog food_____	15582	Oysters _____	15594
Doughnut mix_____	15569	Peaches, canned _____	15583
Egg(s), whole, frozen_____	15580	Pepper, chili_____	15597
noodles. See Macaroni and noodle products.		Pineapple juice, canned_____	15551
Enriched flour_____	15565	Popcorn_____	15568
Feeds and grains_____	15581, 15582	Poultry_____	15592, 15593
Flavors. See Spices, flavors, and seasoning materials.		Scallops, canned_____	15595
Flour_____	15559-15565, 15569	Shellfish_____	15594-15596
		Shrimp, frozen_____	15596

	N. J. No.		N. J. No.
Soya flour-----	15569	Turkeys, dressed, frozen--	15592, 15593
Spaghetti dinner-----	15567	Vegetables. See Fruits and vege-	
sauce with mushrooms-----	15598	tables.	
Spices, flavors, and seasoning		Vitamin, mineral, and other prod-	
materials-----	15597, 15598	ucts of special dietary sig-	
Tapioca flour-----	15570	nificance-----	15599, 15600
Tomato(es), canned-----	15587-15591		
juice-----	15552-15554		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
American Stores Co.:		Honee Bear Syrup & Preserving	
butter-----	15572	Co.:	
Berger Creamery Co.:		canned peaches-----	15583
butter-----	15576	Iowa Falls Poultry & Egg Co.:	
Bremco Alfalfa Mills, Inc.:		frozen whole eggs-----	15580
alfalfa meal-----	15581	Kingan & Co.:	
Chitty & Co.:		butter-----	15573
flour-----	15559	Knoxville Cooperative Creamery:	
Cole, H. C., Milling Co.:		butter-----	15575
enriched flour-----	15565	Kroger Co.:	
Colisseum Macaroni Co.:		egg noodles and macaroni-----	15566
flour-----	15562	L. A. Provision Co.:	
Colonial Stores, Inc.:		frozen shrimp-----	15596
frozen dressed turkeys-----	15592	Long Island Canning Co., Inc.:	
Cresthaven Farms, Inc.:		canned cut green beans-----	15585
nonfat dry milk solids-----	15579	Menzer, William, Inc.:	
Delta Canning Co.:		butter-----	15576
canned tomatoes-----	15591	Merchants Creamery Co.:	
Dextora Co.:		butter-----	15573
dry malt extract-----	15571	Morgan Packing Co.:	
Dupont Canning Co.:		tomato juice-----	15552
canned tomatoes-----	15587	Morris Packing Co., Inc.:	
Early & Daniel Co.:		canned tomatoes-----	15587
corn meal-----	15556	Neptune Food Products Co., Inc.:	
East Chain Co-op. Creamery		canned scallops-----	15595
Assn.:		Niobe Cheese Co.:	
butter-----	15577	skim milk cheese-----	15578
Farmer's Cooperative Creamery,		Palazzolo, P. J.:	
Inc.:		egg noodles and macaroni-----	15566
butter-----	15572	Palazzolo, Antonio, & Co.:	
Floden, F. K., & Co.:		egg noodles and macaroni-----	15566
frozen dressed turkeys-----	15593	Parkhurst Canning Co.:	
Frigid Food Products, Inc.:		canned pineapple juice-----	15551
frozen blueberries-----	15584	Princeville Canning Co.:	
Gurjao & Cia:		canned corn-----	15586
tapioca flour-----	15570	Pruitt Produce Co.:	
Herrman-McLean Co.:		butter-----	15574
corn meal-----	15558	Re-Dan Packing Co.:	
Home Bakery:		dog food-----	15582
flour-----	15564		

	N. J. No.		N. J. No.
Roberts, Thomas, & Co.:		Wade Street Food Market. <i>See</i>	
canned tomatoes-----	15590	Rohe, Stanley.	
Rohe, Stanley:		Webb, E. I., & Co.:	
corn meal-----	15557	oysters-----	15594
Rubenstein & Son Produce, Inc.:		Webster, G. L., Co., Inc.:	
frozen shrimp-----	15596	tomato juice-----	15553, 15554
Sisk, A. W., & Son:		Weisheimer Bros.:	
canned tomatoes-----	15588, 15589	corn meal-----	15557



The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

***Order from the Superintendent of Documents, United States Government Printing Office,
Washington 25, D. C.***

\$1.50 per month



\$15 per year

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15601-15650

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., May 4, 1950.

CONTENTS

	Page		Page
Candy and sirup.....	874	Fruits and vegetables.....	886
Cereals and cereal products.....	875	Canned fruit.....	886
Bakery products.....	875	Dried fruit.....	886
Corn meal.....	876	Fresh fruit.....	887
Flour.....	877	Jelly and preserves.....	887
Miscellaneous cereal product.....	879	Vegetables.....	888
Dairy products.....	879	Nuts.....	889
Butter.....	879	Oils and fats.....	890
Cheese.....	881	Vitamin, mineral, and other prod-	
Cream.....	882	ucts of special dietary signifi-	
Fish and shellfish.....	883	cance.....	891

CANDY AND SIRUP

15601. Adulteration of candy. U. S. v. Maple Dell Candy Co., Nathan Bornheim, Orval Hush, and John Greene. Pleas of guilty. Fine of \$2,000 against company; fine of \$500 and sentence of 90 days in jail against each individual. (F. D. C. No. 26798. Sample Nos. 2586-K, 2587-K, 2592-K, 2593-K.)

INFORMATION FILED: May 13, 1949, Southern District of Ohio, against the Maple Dell Candy Co., a corporation, Columbus, Ohio, and Nathan Bornheim, secretary-treasurer, Orval Hush, president, and John Greene, plant superintendent.

ALLEGED SHIPMENT: On or about February 10, 18, and 19, 1949, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: (Carton) "Mountain Top Now! 5¢ Creamy Cocoanut Chocolate Candy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, mouse pellets, feather barbules, rodent excreta, and cat hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 20, 1949. Pleas of guilty having been entered, the court imposed a fine of \$2,000 against the company and a fine of \$500 and a sentence of 90 days in jail against each individual.

15602. Adulteration and misbranding of chocolate sirup and misbranding of candy. U. S. v. 5 Cases, etc. (F. D. C. No. 27841. Sample Nos. 29782-K to 29785-K, incl.)

LIBEL FILED: September 20, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about May 24, 1949, by the Sifers Candy Co., from Iola, Kans.

PRODUCT: 5 cases, each containing 24 jars, of Peppermint Nibs; 4 cases, each containing 24 jars, of Black Walnut Satinettes; 48 cases, each containing 24 jars, of chocolate-flavored sirup; and 49 cases each containing 20 cartons of 24 candy bars each, at Denver, Colo.

LABEL, IN PART: (Jars) "Sifers Homogenized Chocolate Flavored Syrup Net Wt. 1¼ Lbs," "Peppermint Nibs Net Wt. 11 Ozs. [or "1 Lb. 5 Ozs.]," and "Black Walnut Satinettes Net Wt. 13 Ozs."; (bars) "Sifers Net Wt. 1¼ Ozs."

NATURE OF CHARGE: Chocolate sirup. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

Chocolate sirup and candy. Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents. The products were short of the weight declared on the labels of the jars and bars.

DISPOSITION: November 23, 1949. Default decree of condemnation. The chocolate sirup was ordered destroyed, and the candy was ordered delivered to charitable institutions.

15603. Misbranding of sirups. U. S. v. 175 Baskets * * *. (F. D. C. No. 27749. Sample Nos. 61012-K, 61013-K.)

LIBEL FILED: On or about September 19, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 28, 1949, by the J & M Trading Co., from Rock Island, Ill.

PRODUCT: 175 bushel baskets, each containing numerous bottles, of various types of sirups at Warrensburg, Mo. Examination showed that the products were fire-damaged, and that some bottles were unlabeled, some partially labeled, and some labeled with various brand names.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 25, 1949. Default decree of destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15604. Adulteration of ice cream cones. U. S. v. 5 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 28045, 28046. Sample Nos. 61256-K to 61260-K, incl.)

LIBELS FILED: October 25 and 26, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about May 5 and August 22, 25, and 29, 1949, by the Woolwine Cone Co., from Memphis, Tenn.

PRODUCT: 5 cases and 9 cans containing approximately 14,000 ice cream cones at Little Rock, Ark., and 24 cans containing approximately 12,000 ice cream cones at North Little Rock, Ark.

LABEL, IN PART: (Portion) "Honey Comb Real Cake Cones" or "Bully Boy Ice Cream Cones."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 8, 1949. Default decrees of condemnation and destruction.

15605. Adulteration of ice cream cones. U. S. v. 6 Cans * * *. (F. D. C. No. 27887. Sample No. 61666-K.)

LIBEL FILED: September 27, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 7, 1949, by the Woolwine Cone Co., from Memphis, Tenn.

PRODUCT: 6 cans of ice cream cones at Cairo, Ill.

LABEL, IN PART: "1000 Bully Boy Ice Cream Cones."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 14, 1949. Default decree of condemnation and destruction.

15606. Adulteration of ice cream cones. U. S. v. 21 Cans * * *. (F. D. C. No. 28056. Sample No. 62655-K.)

LIBEL FILED: On or about October 20, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 20, 1949, by Purity Sugar Cone & Confectionery Co., Inc., from Charlestown, Mass.

PRODUCT: 21 cans each containing 175 ice cream cones at Pawtucket, R. I.

LABEL, IN PART: "Purity Sugar Cone and Confectionery Company Inc. Manufacturers of High Grade Cones Pure Sweet Crisp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

CORN MEAL*

15607. Adulteration and misbranding of corn meal. U. S. v. Charles B. Thomas (Vernon Milling Co.). Plea of guilty. Defendant fined \$250 and placed on probation for 3 years. (F. D. C. No. 26767. Sample Nos. 23619-K, 23628-K to 23631-K, incl.)

INFORMATION FILED: April 26, 1949, Northern District of Alabama, against Charles B. Thomas, trading as the Vernon Milling Co., Vernon, Ala.

ALLEGED SHIPMENT: On or about September 14 and 23, 1948, and October 5 and 7, 1948, from the State of Alabama into the State of Mississippi.

LABEL, IN PART: "Dixie White Corn Meal Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent excreta fragments, insects, rodent hair fragments, and insect excreta pellets; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and riboflavin, had been in part omitted.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as enriched white corn meal, and it failed to conform to the definition and standard of identity for enriched white corn meal since each pound of the product contained less than 2 milligrams of thiamine (vitamin B₁) and less than 1.2 milligrams of riboflavin.

DISPOSITION: January 6, 1950. A plea of guilty having been entered, the defendant was fined \$250 and placed on probation for a period of 3 years.

*See also No. 15609.

15608. Adulteration of corn meal. U. S. v. 146 Bags, etc. (F. D. C. No. 27938. Sample No. 47765-K.)

LIBEL FILED: On or about October 24, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 22, 1949, by Weisheimer Bros., from Columbus, Ohio.

PRODUCT: 146 2-pound bags and 104 5-pound bags of corn meal at Huntington, W. Va.

LABEL, IN PART: "The Flavor-Fresh Grind Fancy White Bolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 1, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, to be disposed of for purposes other than for human consumption.

FLOUR

Nos. 15609 to 15614 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15609. Adulteration of pastry flour and corn meal. U. S. v. Millstadt Milling Co. Plea of nolo contendere. Fine of \$1,000, plus costs. (F. D. C. No. 24548. Sample Nos. 26062-K, 26462-K.)

INFORMATION FILED: April 19, 1948, Eastern District of Illinois, against the Millstadt Milling Co., a corporation, Millstadt, Ill.

ALLEGED SHIPMENT: On or about November 13 and December 5, 1947, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Bridal Blossom Cake Flour" and "Baltz's Best Cream Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects and insect parts, in the flour, and insects, insect fragments, a rodent excreta fragment, and a rodent hair fragment, in the corn meal; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 13, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000, together with costs.

15610. Adulteration of pastry flour. U. S. v. 365 Bags * * *. (F. D. C. No. 27945. Sample No. 30229-K.)

LIBEL FILED: October 24, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about July 1, 1949, from Pendleton, Oreg.

PRODUCT: 365 100-pound bags of cookie flour at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 28, 1949. Default decree of condemnation and destruction.

15611. Adulteration of pastry flour. U. S. v. 109 Bags * * *. (F. D. C. No. 27201. Sample No. 5927-K.)

LIBEL FILED: May 9, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 8, 1948, from Hopkinsville, Ky.; on or about December 7, 1948, from Louisville, Ky.; and on or about December 10, 1948, from St. Belo, N. Y.

PRODUCT: 109 100-pound bags of pastry flour at Charlestown, Mass., in possession of H. Rohtstein & Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 31, 1949. H. Rohtstein & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond and that the unfit portion be segregated and denatured for use as animal feed. Of the bags seized, 85 were segregated as fit for human consumption and 23 were denatured for use as animal feed.

15612. Adulteration of rye flour, pastry flour, and plain flour. U. S. v. 30 Bags, etc. (F. D. C. No. 27927. Sample Nos. 58223-K, 58230-K.)

LIBEL FILED: October 17, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about September 18, 1949, by General Mills, Inc., from Tucson, Ariz. This was a return shipment.

PRODUCT: 31,000 pounds of rye flour, pastry flour, and plain flour at Vernon, Calif.

LABEL, IN PART: "Sperry Special," "Cream of Rye," "La Bina," "Gold Medal K. T.," "4 X Clear," "Cake & Pastry," "All in One," and "Soft as Silk."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects.

DISPOSITION: November 7, 1949. General Mills, Inc. (Sperry Division), Minneapolis, Minn., appeared as claimant and denied that it was responsible for the presence of insects in the flour and alleged that the article had become contaminated while in transit and while under the control of a railroad carrier. The claimant, however, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be used in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

15613. Adulteration of whole wheat flour. U. S. v. 45 Bags * * *. (F. D. C. No. 27964. Sample No. 33930-K.)

LIBEL FILED: November 8, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about June 13, 1949, from Spokane, Wash.

PRODUCT: 45 100-pound bags of whole wheat flour at Porterville, Calif., in possession of the Sunlight Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, rodent urine, and rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 26, 1950. Default decree of condemnation and destruction.

15614. Adulteration of flour. U. S. v. 10 Bags, etc. (F. D. C. No. 27978. Sample Nos. 55360-K, 55361-K.)

LIBEL FILED: On or about December 1, 1949, District of Kansas.

ALLEGED SHIPMENT: On or about October 15, 1949, by the Preston Milling Industries, from Fairbury, Nebr.

PRODUCT: 10 50-pound bags and 5 25-pound bags of flour at Narka, Kans.

LABEL, IN PART: "Enriched Bleached For All Baking Sur-Good Flour * * * Columbian."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 16, 1950. Default decree of condemnation and destruction.

MISCELLANEOUS CEREAL PRODUCT

15615. Adulteration of rice. U. S. v. 20 Bags * * * (and 2 other seizure actions). (F. D. C. No. 27823. Sample Nos. 60539-K to 60541-K, incl.)

LIBELS FILED: September 20, October 19, and November 25, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 20, 1947, from South Dos Palos, Calif.

PRODUCT: 43 100-pound bags of rice at Chicago, Ill., in possession of Wakem & McLaughlin, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1949, and January 12 and 16, 1950. Default decrees of condemnation. The court ordered that a portion of the product be delivered to a public institution, for use as animal feed, and that the remainder of the product be destroyed.

DAIRY PRODUCTS

BUTTER*

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, **No. 15616**, and that was below the legal standard for milk fat content, **Nos. 15617 and 15618**.

*See also No. 15622.

15616. Adulteration of butter. U. S. v. 50 64-Pound Cubes. Consent decree of condemnation. Product ordered released under bond to be rendered. Government's motion denied for forfeiture of bond and to have claimant held in contempt of court. (F. D. C. No. 25828. Sample No. 40638-K.)

LIBEL FILED: August 10, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about July 21, 1948, by the Farmers Union Cooperative Creamery, from Williston, N. Dak.

PRODUCT: 50 64-pound cubes of butter at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Analysis showed that the product contained rodent hairs, insects, and insect fragments.)

DISPOSITION: August 19, 1948. The Farmers Union Cooperative Creamery, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be rendered into inedible grease under the supervision of the Food and Drug Administration and sold after such rendering. The product was rendered on August 20, 1948, without the supervision of the Food and Drug Administration. A motion was filed by the Government for forfeiture of the bond and to hold the claimant in contempt of court. On March 21, 1949, this motion was denied.

15617. Adulteration of butter. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 25321. Sample Nos. 15178-K, 15181-K, 41718-K.)

INFORMATION FILED: October 22, 1948, Eastern District of Oklahoma, against Hugh A. Pruitt, trading as the Pruitt Produce Co., Ardmore, Okla.

ALLEGED SHIPMENT: On or about July 3, and 17, 1948, from the State of Oklahoma into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 30, 1949. A plea of guilty having been entered, the defendant was fined \$200.

15618. Adulteration of butter. U. S. v. 1,162 1-Pound Packages (and 1 other seizure action). (F. D. C. Nos. 28545, 29000. Sample Nos. 13851-K, 13855-K.)

LIBELS FILED: December 2, and 6, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 18, 1949, by Midwest Dairy Despatch, from Minneapolis, Minn.

PRODUCT: 2,279 1-pound packages of butter at Philadelphia, Pa.

LABEL, IN PART: "Gurnse Brand Butter * * * Packed by P. F. Brown & Co., Phila., Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 7, 1949. P. F. Brown & Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond, to be brought into com-

pliance with the law, under the supervision of the Federal Security Agency. The butter was reworked to the legal standard.

CHEESE

15619. Adulteration and alleged misbranding of Cheddar cheese. U. S. v. Wilson & Co., Inc., and Robert H. Forbess. Pleas of not guilty. Tried before a jury. Directed verdict of not guilty with respect to Robert H. Forbess; verdict of guilty with respect to Wilson & Co., Inc. Motion for new trial granted. Plea of nolo contendere subsequently entered. Fine, \$300. (F. D. C. No. 20961. Sample Nos. 13672-H, 24367-H, 24436-H, 24439-H.)

INFORMATION FILED: March 15, 1947, Southern District of Mississippi, against Wilson & Co., Inc., trading at Macon, Miss., and Robert H. Forbess, manager.

ALLEGED SHIPMENT: On or about May 2 and June 1, 1945, from the State of Mississippi into the States of Louisiana and Tennessee.

NATURE OF CHARGE: Adulteration (counts 1 and 3), Section 402 (b) (2), a product containing in its solids less than 50 percent of milk fat had been substituted for Cheddar cheese.

Misbranding (counts 2 and 4), Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese, which definition and standard provides that Cheddar cheese contain in its solids not less than 50 percent of milk fat.

DISPOSITION: The defendants having entered pleas of not guilty, the case was tried to a jury on May 12 and 13, 1948. At the conclusion of the defendants' evidence, counsel for the defendants moved for a directed verdict of acquittal. The motion was granted with respect to Robert H. Forbess, but was denied with respect to Wilson & Co., Inc. The jury retired and returned a verdict finding the firm guilty. The court assessed a fine of \$1,500 on each of counts 1 and 3, and on or about May 27, 1948, dismissed counts 2 and 4. Counsel for Wilson & Co., Inc., having filed a motion for a new trial, the defendants' motion was granted on or about December 21, 1948.

The case was not retried, however; and on April 26, 1949, counsel for the defendant appeared in court and entered a plea of nolo contendere, which plea was accepted by the court, and the defendant was sentenced to pay a fine of \$150 on each of counts 1 and 3.

15620. Adulteration of Cheddar cheese. U. S. v. Approximately 40,213 Pounds * * *. (F. D. C. No. 27987. Sample No. 56982-K.)

LIBEL FILED: September 22, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 3, 1949, by the Hygrade Food Products Corp., from Manchester, Iowa.

PRODUCT: Approximately 40,213 pounds of Cheddar cheese at Harrison, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, fragments of cockroaches, flies and other insects, mites, feather fragments, manure, rust, soil, plant material, mold, metal, and wood particles; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 30, 1950. The Hygrade Food Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was

entered and the court ordered that the product be released under bond to be used in the manufacture of dog food, under the supervision of the Food and Drug Administration.

15621. Misbranding of Colby cheese. U. S. v. 17 Longhorns * * *. (F. D. C. No. 28581. Sample No. 12546-K.)

LIBEL FILED: December 20, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 8, 1949, by the Warsaw Cheese Co., from Warsaw, Ohio.

PRODUCT: 17 12-pound longhorns of Colby cheese at Chambersburg, Pa.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: February 1, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15622. Adulteration of creamed cottage cheese and butter. U. S. v. Fairmont Foods Co. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 26325. Sample Nos. 21761-K, 23821-K.)

INFORMATION FILED: March 2, 1949, Western District of Oklahoma, against the Fairmont Foods Co., a corporation, trading at Lawton, Okla.

ALLEGED SHIPMENT: On or about August 14 and 18, 1948, from the State of Oklahoma into the States of Texas and Louisiana.

LABEL, IN PART: "Fairmont Creamed Cottage Cheese Manufactured by Fairmont Foods Company" and "Creamery Butter Packed expressly for L. Frank & Co., Inc., New Orleans, La."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of (in the cheese) insects, insect fragments, a rodent hair, a cow hair, and plant fragments resembling manure, and (in the butter) insects, insect eggs, insect fragments, rodent hair fragments, and feather barbules; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 18, 1950. A plea of nolo contendere having been entered, the defendant was fined \$2,000.

CREAM

15623. Adulteration and misbranding of canned cream. U. S. v. 655 Cases * * *. (F. D. C. No. 27985. Sample No. 63631-K.)

LIBEL FILED: On or about September 26, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 31, 1949, by Dairy Dream Farms, Inc., from Mauston, Wis.

PRODUCT: 655 cases, each containing 48 cans, of cream at Tampa, Fla.

LABEL, IN PART: (Can) "Dairy Dream Pure Cream Pasteurized Homogenized Light 18% Butterfat Contents 10 fl. oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, butterfat, had been in part omitted.

• Misbranding, Section 403 (a), the label statement "18% Butterfat" was false and misleading since the product contained less than 18 percent butterfat; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than 10 fluid ounces, the volume declared on the label.

DISPOSITION: January 13, 1950. Dairy Dream Farms, Inc., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

15624. Adulteration and misbranding of frozen haddock fillets. U. S. v. Jacob H. Cherry (Neptune Packing Co.). Plea of guilty. Defendant fined \$150 and placed on probation for 2 years. (F. D. C. No. 23590. Sample Nos. 60570-H, 74585-H, 91285-H.)

INFORMATION FILED: October 14, 1947, District of New Jersey, against Jacob H. Cherry, manager of the Neptune Packing Co., Atlantic City, N. J.

ALLEGED SHIPMENT: Between the approximate dates of February 27 and April 2, 1947, from the State of New Jersey into the States of Pennsylvania, Massachusetts, and Connecticut.

LABEL, IN PART: "Frosted Seafoods Neptuna Fillet Haddock."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), frozen hake fillets had been substituted in whole or in part for frozen haddock fillets.

Misbranding, Section 403 (a), the label statement "Fillet Haddock" was false and misleading since the statement represented and suggested that the article consisted of fillet haddock, whereas the article consisted of fillet hake.

DISPOSITION: March 12, 1948. A plea of guilty having been entered, the court fined the defendant \$150 and placed him on probation for two years. The court provided that the fine should be paid at the rate of \$25 per month, and that as soon as it was paid, the period of probation would end.

15625. Misbranding of canned salmon. U. S. v. United Food Specialty Co. and Morris Friedman. Pleas of guilty. Joint fine of \$5,000. (F. D. C. No. 24245. Sample Nos. 66763-H, 66765-H, 66768-H, 69789-H.)

INDICTMENT RETURNED: April 27, 1948, Eastern District of Michigan, against the United Food Specialty Co., a partnership, Detroit, Mich., and Morris Friedman, a partner.

ALLEGED SHIPMENT: On or about November 18, 1946, and April 14, 16, and 23, and May 5, 1947, from the State of Michigan into the States of Illinois and New York.

NATURE OF CHARGE: Misbranding, Section 403 (a), (portion) the statements "Columbia River * * * Chinook Salmon" and "Bumble Bee Brand * * * Packed By Columbia River Packers Assn., Inc., Astoria, Oregon," borne on the label, were false and misleading since the product was not Chinook salmon but was red salmon; and it was not Bumble Bee Brand salmon, and it was not packed by the Columbia River Packers Assn., Inc. Further misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 403 (a), (remainder) the label statement "Chinook Salmon" was false and misleading since the product was red salmon.

DISPOSITION: November 18, 1948. Pleas of guilty having been entered, the defendants were jointly fined \$5,000.

15626. Adulteration of canned sardines. U. S. v. 274 Cases * * *. (F. D. C. No. 25943. Sample No. 32443-K.)

LIBEL FILED: November 17, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about June 26 and July 1, 1948, respectively, from Hilo, T. H., and Honolulu, T. H. These were return shipments.

PRODUCT: 274 cases, each containing 48 15-ounce cans, of sardines at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence therein of mushy and disintegrated fish.

DISPOSITION: January 11, 1950. Default decree of condemnation and destruction.

15627. Adulteration of frozen tullibees. U. S. v. Approximately 2,400 Pounds * * * (and 1 other seizure action). (F. D. C. Nos. 27988, 27994. Sample Nos. 56390-K to 56392-K, incl.)

LIBELS FILED: September 21 and 23, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 24 and June 17 and 24, 1949, by the Booth Fisheries Canadian Co., Ltd., from Winnipeg, Manitoba, Canada.

PRODUCT: 4,650 pounds of frozen tullibees at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article (1,250 pounds) consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms; a portion (2,400 pounds) consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and the remainder (1,000 pounds) consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms, and of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: November 10, 1949. Default decrees of condemnation and destruction.

15628. Adulteration of frozen whiting fillets. U. S. v. Morris Benkovitz (Live Fish Co.). Plea of nolo contendere. Fine of \$100 and costs. (F. D. C. No. 25303. Sample No. 19264-K.)

INFORMATION FILED: October 5, 1948, Western District of Pennsylvania, against Morris Benkovitz, trading as the Live Fish Co., Pittsburgh, Pa.

ALLEGED SHIPMENT: On or about March 19, 1948, from the State of Pennsylvania into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a putrid substance by reason of the presence of putrid fillets.

DISPOSITION: December 8, 1949. A plea of nolo contendere having been entered, the defendant was fined \$100, together with costs.

15629. Adulteration of canned clams. U. S. v. 48 cans * * * (and 1 other seizure action). (F. D. C. Nos. 27956, 27963. Sample Nos. 30442-K, 30443-K.)

LIBELS FILED: November 2 and 10, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about June 20, 1949, by the Haines Oyster Co., from Seattle, Wash.

PRODUCT: 84 6-pound cans of clams at San Diego, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered it injurious to health.

DISPOSITION: December 22, 1949. Default decrees of condemnation and destruction.

15630. Adulteration and misbranding of canned oysters. U. S. v. 677 Cases
* * *. (F. D. C. No. 27551. Sample No. 53712-K.)

LIBEL FILED: July 1, 1949, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about March 19 and 29, 1949, by Morgan City Canning Co., Inc., from Houma, La.

PRODUCT: 677 cases, each containing 48 unlabeled cans, of oysters at Biloxi, Miss.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned oysters, and its label failed to bear a statement that it fell below such standard. (The standard provides that the drained weight of oysters taken from the container is not less than 59 percent of the water capacity of the container.)

DISPOSITION: September 3, 1949. Morgan City Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Food and Drug Administration. The segregation operations resulted in the release of 292 cases and 29 cans to the claimant out of a total of 361 cases, plus 32 cans which had been seized.

15631. Adulteration and misbranding of frozen shrimp. U. S. v. 25 Boxes
* * * (and 2 other seizure actions). (F. D. C. Nos. 27910, 27918, 27934. Sample Nos. 49481-K, 49486-K, 49493-K.)

LIBELS FILED: October 11, 13, and 19, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about September 26 and October 4 and 10, 1949, by the Coastal Freezing Plant, from Aransas Pass, Tex.

PRODUCT: 125 5-pound boxes of frozen shrimp at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding (25 boxes only), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: December 6, 1949. Default decrees of condemnation. The court ordered that the product be sold for use as animal feed, under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES**CANNED FRUIT**

15632. Adulteration of canned apricots. U. S. v. Stevens Canning Co. and Angus G. Stevens. Pleas of nolo contendere. Corporation fined \$150; individual defendant fined \$100. (F. D. C. No. 27515. Sample Nos. 29756-K, 29758-K.)

INFORMATION FILED: August 29, 1949, District of Utah, against the Stevens Canning Co., Ogden, Utah, and Angus G. Stevens, president.

ALLEGED SHIPMENT: On or about March 4, 1949, from the State of Utah into the State of Colorado.

LABEL, IN PART: (Cases) "Stevens Brand Apricots Solid Pack Pie."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect excreta, larvae, larvae fragments, insect fragments, whole insects, and apricot stems.

DISPOSITION: November 9, 1949. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$150 and the individual defendant was fined \$100.

15633. Adulteration of canned dried prunes. U. S. v. 94 Cases * * *. (F. D. C. No. 27917. Sample No. 51963-K.)

LIBEL FILED: October 14, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 30, 1949, by the J. C. Tracy Co., from Dallas, Oreg.

PRODUCT: 94 cases, each containing 24 1-pound cans, of dried prunes at Richmond, Ind.

LABEL, IN PART: "Tracy's Brand * * * Oregon Dried Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination disclosed the presence of insects, insect fragments, and rodent hairs.)

Further adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 14, 1949. Default decree of forfeiture and destruction.

DRIED FRUIT

15634. Adulteration of dates. U. S. v. 44 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27947, 27955. Sample Nos. 7777-K, 46747-K.)

LIBELS FILED: October 26 and 31, 1949, Western District of Pennsylvania and Western District of New York.

ALLEGED SHIPMENT: On or about September 16, 1949, by Long's Date Gardens, from Pasadena, Calif.

PRODUCT: Dates. 44 cases at Pittsburgh, Pa., and 16 cases at Elmira, N. Y. Each case contained 24 14-ounce baskets.

LABEL, IN PART: "Long's Dates from California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: November 22 and December 1, 1949. Default decrees of condemnation and destruction.

15635. Adulteration of dried black raspberries. U. S. v. 4 Cartons * * *.
(F. D. C. No. 27941. Sample No. 68911-K.)

LIBEL FILED: October 24, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 3, 1949, by I. N. Croucher & Son, from Canandaigua, N. Y.

PRODUCT: 4 25-pound cartons of dried black raspberries at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1950. Default decree of condemnation and destruction.

FRESH FRUIT

15636. Adulteration of oranges. U. S. v. Wollenman Packing Co. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 26726. Sample Nos. 5711-K, 5742-K.)

INFORMATION FILED: August 29, 1949, Southern District of California, against the Wollenman Packing Co., a corporation, Matchin, Calif.

ALLEGED SHIPMENT: On or about January 13 and 16, 1949, from the State of California into the States of Missouri and Massachusetts.

LABEL, IN PART: "Suntreat Flavorseal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food because of dryness, due to frost damage; and, Section 402 (b) (2), oranges damaged by frost had been substituted for the product.

DISPOSITION: December 5, 1949. A plea of nolo contendere having been entered, the defendant was fined \$2,000.

JELLY AND PRESERVES

15637. Adulteration and misbranding of jelly. U. S. v. Jaxon Products Co. Plea of guilty. Fine, \$200. (F. D. C. No. 26746. Sample Nos. 51454-K to 51456-K, incl.)

INFORMATION FILED: October 26, 1949, Southern District of Ohio, against the Jaxon Products Co., a partnership, Dayton, Ohio.

ALLEGED SHIPMENT: On or about April 22 and 28 and May 2, 1949, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "Jaxon Pure Jelly Blackberry [or "Raspberry" or "Grape"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), products deficient in fruit juices had been substituted in whole or in part for blackberry, raspberry, and grape jelly.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity prescribed by the regulations for jellies since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients, blackberry, raspberry, or grape, to each 55 parts by weight of one of the optional saccharine ingredients specified in the definitions and standards since the products contained sugar and corn sirup as an

optional saccharine ingredient; and the labels failed to bear the statement "Prepared with sugar and corn sirup," as required by the definitions and standards.

DISPOSITION: January 16, 1950. A plea of guilty having been entered, the defendant was fined \$200.

15638. Adulteration of strawberry preserves. U. S. v. 75 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27782, 27797. Sample Nos. 1928-K, 1929-K.)

LIBELS FILED: August 31, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 16 and 20, 1949, by Crossfield Foods, Inc., from Griffin, Ga.

PRODUCT: 104 cases, each containing 24 12-ounce tumblers, of strawberry preserves at Greenville and Spartanburg, S. C.

LABEL, IN PART: (Tumbler) "Calico Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: October 12, 1949. Default decrees of condemnation and destruction.

VEGETABLES

15639. Adulteration of frozen broccoli. U. S. v. 18 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 27976, 27977. Sample Nos. 52710-K, 52713-K to 52715-K, incl.)

LIBELS FILED: November 14, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 7, 1949, by Honor Brand Frosted Foods, Inc., Div., of Stokely-Van Camp, Inc., from Oxnard, Calif.

PRODUCT: 50 cases, each containing 48 10-ounce packages, of frozen broccoli at Indianapolis, Ind.

LABEL, IN PART: "Honor Brand Broccoli."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids.

DISPOSITION: January 6, 1950. Default decrees of forfeiture and destruction.

15640. Adulteration of canned corn. U. S. v. 1,570 Cases, etc. (F. D. C. No. 27969. Sample Nos. 60120-K to 60122-K, incl.)

LIBEL FILED: November 12, 1949, Northern District of Indiana.

ALLEGED SHIPMENT: On or about June 2 and 14, 1949, and in the latter part of 1948, or early part of 1949, by Libby, McNeill & Libby, from Sac City, Iowa.

PRODUCT: 3,626 cases, each containing 24 1-pound cans, of corn at Hammond, Ind.

LABEL, IN PART: (Portion) "Rose-Dale Cream Style * * * Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: January 4, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, to be used for animal feed.

15641. Adulteration and misbranding of canned corn. U. S. v. 38 Cases, etc. (F. D. C. Nos. 27991 to 27993, incl. Sample Nos. 60746-K to 60748-K, incl.)

LIBEL FILED: October 4, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 21, July 15, and August 8, 1949, by the Tom Corwin Canning Co., Inc., from Lebanon, Ohio.

PRODUCT: 318 cases, each containing 6 No. 10 cans, of corn at Memphis, Tenn.

LABEL, IN PART: (Can) "Red Rose Cream Style White [or "Golden"] Sweet Corn." All of the cans were approximately the same size. A portion (38 cases) of the cans were labeled "1 Lb. 4 Oz." or "1 Lb.," and the remainder were labeled "Net Weight 6 Lbs. 10 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned cream style corn since it had not been so processed by heat as to prevent spoilage.

Further misbranding (38 cases only), Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans bore the label statements "Net Weight 1 Lb. 4 Ozs." or "Net Weight 1 Lb.," but contained approximately 7 pounds.)

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

NUTS

15642. Adulteration of brazil nuts. U. S. v. 83 Bags, etc. (F. D. C. No. 28249. Sample Nos. 13981-K, 13982 -K.)

LIBEL FILED: October 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 29, 1949, by Wm. A. Higgins & Co., from New York, N. Y.

PRODUCT: 83 100-pound bags, and 130 cases, each case containing 30 1-pound bags, of brazil nuts at Philadelphia, Pa. The 130 cases had been repackaged from 100-pound bags.

LABEL, IN PART: (Bag) "Sun-Glo Extra Large Polished New Crop Extra Quality Selected Brazil Nuts" or "A & P * * * Food Stores Brazils One Pound Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy brazil nuts.

DISPOSITION: November 17, 1949. Wm. A. Higgins & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 898 pounds of the product was segregated and destroyed as unfit.

15643. Adulteration of cashew nuts. U. S. v. 92 Cases * * *. (F. D. C. No 28071. Sample No. 32538-K.)

LIBEL FILED: October 20, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about April 14, May 13 and 28, and July 26, 1949. from New York, N. Y.

PRODUCT: 92 cases of cashew nuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 17, 1949. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of fumigating and reconditioning and ridding the nuts of the unfit material, under the supervision of the Federal Security Agency. A total of 4,175 pounds of the product was salvaged as good material, and the remainder consisting of 325 pounds, which was segregated as unfit, was denatured.

OILS AND FATS

15644. Adulteration and misbranding of olive oil. U. S. v. Capital Food Co., Dominic F. Antonelli, and Enrico Torino. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 23604. Sample Nos. 43093-H to 43095-H, incl., 54932-H, 90324-H.)

INFORMATION FILED: March 23, 1949, District of Columbia, against the Capital Food Co., a partnership, Washington, D. C., and Dominic F. Antonelli and Enrico Torino, partners.

ALLEGED VIOLATION: On or about October 31 and November 7, 1946, the defendants caused to be introduced and delivered for introduction into interstate commerce, by sale and delivery in the District of Columbia, two lots of alleged olive oil. In addition, on or about March 19, 1947, the defendants shipped a quantity of alleged olive oil from the District of Columbia into the State of Georgia.

LABEL, IN PART: "Capitol Brand Imported [or "Pure Virgin Imported"] Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (1 sale in the District of Columbia) an artificially colored and flavored mixture of vegetable oils, containing little, if any, olive oil, had been substituted for olive oil; (other sale in the District of Columbia and the interstate shipment) mixtures of olive oil with other vegetable oils had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), the statements "Imported Olive Oil" or "Pure Virgin Imported Olive Oil" on the bottles were false and misleading; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), (1 sale in the District of Columbia) the product contained artificial coloring and artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: July 8, 1949. Pleas of guilty having been entered, each defendant was fined \$100.

15645. Misbranding of peanut oil. U. S. v. 246 Cases, etc. (F. D. C. No. 27746. Sample No. 35282-K.)

LIBEL FILED: September 16, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about December 16, 1948, by the Opelousas Oil Refinery, from Opelousas, La.

PRODUCT: 246 cases, each containing 6 1-gallon cans, and 334 cases, each containing 1 5-gallon can, of peanut oil at San Francisco, Calif.

LABEL, IN PART: (Cases) "6 1-Gal. Cans Color Added 350" and "1 5-Gal. Can Color Added 349"; (cans) "Perfecto Choice Peanut Cooking Oil."

NATURE OF CHARGE: Misbranding, Section 403 (f), the article contained artificial color, and the declaration of its presence was not prominently placed so as to make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the individual cans did not bear the declaration of artificial color.

DISPOSITION: December 13, 1949. The Royal Trading Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The words "Artificial Coloring Added" were stamped on each can.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15646. Misbranding of wheat germ. U. S. v. Kretschmer Corp. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 25615. Sample Nos. 41642-K, 43047-K, 43048-K.)

INFORMATION FILED: March 15, 1949, Eastern District of Michigan, against the Kretschmer Corp., Carrollton, Mich.

ALLEGED SHIPMENT: On or about March 23 and April 1 and 6, 1948, from the State of Michigan into the State of Wisconsin. Accompanying the product was a circular entitled "Wheat Germ."

LABEL, IN PART: "Kretschmer's Wheat Germ * * * One ounce* of Kretschmer's Toasted Wheat Germ equals All of the following: 4 oz. oatmeal (in B₁, for body tone) 1½ ozs. lean beef (in protein, for muscle building) 3 Graham crackers (in calories, for energy) 4.6 ozs. raisins (in iron, for blood building) In addition, Kretschmer's Toasted Wheat Germ is a rich natural source of vitamin E, and contains helpful amounts of B-complex, A, and G vitamins, calcium and phosphorus. Non-Fattening Easily Digested *1 ounce equals 2 heaping Tablespoonfuls."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling were false and misleading. These statements represented and suggested that the product was not fattening; that the diets of individuals in this country are generally deficient in vitamin B₁; that the product would be efficacious in the prevention and treatment of loss of appetite, muscular weakness, low body temperature, and other serious physical and nervous disorders; that the use of the product would insure normal health and would promote regular bowel activity; and that one ounce of the product was equal in food value to the total food value of 4 ounces of oatmeal, 1½ ounces of lean beef, 3 graham crackers, and 4.6 ounces of raisins. The product was fattening; the diets of individuals in this country are not generally deficient in vitamin B₁; the product was not capable of fulfilling the promises of benefits stated

and implied; and one ounce was not equal in food value to the total value of the foods listed.

Further misbranding, Section 403 (j), the product purported to be, and was represented, for special dietary uses by man by reason of its vitamin properties in respect to vitamin A, vitamin G, and vitamin E, and by reason of its mineral properties in respect to calcium, iron and phosphorus; and its label did not bear as required by the regulations a statement of the proportion of the minimum daily requirement for vitamin A and vitamin G which would be supplied by the product when consumed in a specified quantity during a period of one day; the label did not bear a statement of the quantity of vitamin E in a specified quantity of the article; the label failed to bear a statement that the need in human nutrition for vitamin E has not been established; and it failed to bear a statement of the proportion of the minimum daily requirement for calcium, iron, and phosphorus which would be supplied by the product when consumed in a specified quantity during a period of one day.

DISPOSITION: June 24, 1949. A plea of nolo contendere having been entered, the defendant was fined \$300.

15647. Adulteration and misbranding of vitamin and mineral tablets and vitamin A and D tablets. U. S. v. 1 Drum, etc. (and 1 other seizure action).
(F. D. C. Nos. 26009, 26087. Sample Nos. 22975-K, 22976-K, 22980-K, 23881-K to 23883-K, incl.)

LIBELS FILED: November 22 and 24, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of March 16 and August 16, 1945, from St. Louis, Mo.

PRODUCT: 24 drums containing approximately 589,020 vitamin and mineral tablets and 1 drum containing approximately 53,425 vitamin A and D tablets at Birmingham, Ala.

LABEL, IN PART: "Sugar Coated White Vitamin and Mineral Tablets. Three tablets a day contain: Vitamin A 5000 U. S. P. Units * * * Vitamin B₁ * * * 333 U. S. P. Units 1 mg * * * Vitamin C * * * 600 U. S. P. Units 50 mg." and "Sugar Coated Yellow Vitamin A and D Tablets. Each tablet contains: Vitamin A * * * 4000 U. S. P. Units Vitamin D * * * 400 U. S. P. Units."

NATURE OF CHARGE: Vitamin and mineral tablets. Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and B₁ and (94,590 tablets only) vitamin C, had been in part abstracted from the product.

Misbranding, Section 403 (a), the label statements "Three tablets a day contain: Vitamin A * * * 5000 U. S. P. Units * * * Vitamin B₁ * * * 333 U. S. P. Units 1 mg. * * * Vitamin C * * * 600 U. S. P. Units 50 mg." were false and misleading since the product contained less than the stated amounts of vitamins A and B₁, and a portion of the product, in addition contained less than the stated amount of vitamin C.

Vitamin A and D tablets. Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part abstracted from the product. Misbranding, Section 403 (a), the label statements "Each tablet contains: Vitamin A * * * 4000 U. S. P. Units Vitamin D * * * 400 U. S. P. Units" were false and misleading since the product contained less than the stated amounts of vitamins A and D.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: June 30, 1949. The Veltex Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the products be released under bond to be relabeled under the supervision of the Food and Drug Administration.

15648. Misbranding of miscellaneous salvaged foods (vitamins). U. S. v. 25 Crates, etc. (F. D. C. No. 27154. Sample No. 62100-K.)

LIBEL FILED: April 21, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 17, 1948, by the Underwriter Salvage Co. of New York, from Providence, R. I.

PRODUCT: 25 crates and 36 cartons of miscellaneous salvaged foods at West Lynn, Mass. Some of the material had been fire-damaged, and some bottles and jars were unlabeled; also, in some bottles a number of tablets had partially disintegrated, and in other bottles some tablets had fused and adhered to the bottoms of the bottles.

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labels of the articles failed to bear accurate statements of the quantity of the contents.

The libel alleged also that certain products included in the shipment were misbranded under the provisions of the law applicable to drugs and cosmetics, as reported in notices of judgment on drugs and devices and in notices of judgment on cosmetics.

DISPOSITION: May 26, 1949. The Triangle Sales Corp., Lynn, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The unfit portion of the products was segregated and destroyed.

15649. Misbranding of Special Yeast Amino Acids Tablets. U. S. v. 25,000 Tablets, etc. (F. D. C. No. 27004. Sample No. 46659-K.)

LIBEL FILED: April 19, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 24, 1948, by the Savoy Drug & Chemical Co., from Chicago, Ill.

PRODUCT: 25,000 Special Yeast Amino Acids Tablets at Pittsburgh, Pa.

LABEL, IN PART: "Special Tablets * * * Yeast Amino Acids."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Amino Acids (derived from 2 protein Hydrolysate made from Casein)" was misleading since it represented and suggested that the article would provide nutritionally significant amounts of amino acids, whereas the article was worthless as a dietary source of amino acids.

The libel alleged also that a portion of the product which had been repackaged and relabeled "Amo-Tabs Amino Acid Tablets" and certain other products were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2915.

DISPOSITION: April 26, 1949. David B. Shakarian, claimant, having admitted that the allegations of the libel were true, judgment was entered ordering that the products be released under bond for relabeling under the supervision of the Federal Security Agency.

15650. Misbranding of Fruitonya. U. S. v. 144 Bottles, etc. (F. D. C. No. 24730. Sample No. 2032-K.)

LIBEL FILED: April 15, 1948, District of Columbia; amended October 12, 1948.

ALLEGED SHIPMENT: By the Miracle Food Co., from Philadelphia, Pa.

PRODUCT: 144 1-quart bottles of Fruitonya at Washington, D. C.

LABEL, IN PART: "Fruitonya * * * Contains invert sugar, True fruit extracts, Reinforced with Natural flavors & fruit acids."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Fruitonya" and the reference in the labeling to "Fruit Syrup" were misleading since the article contained no significant amounts of fruit juice or fruit sirup; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual names of citric acid and tartaric acid, which were ingredients of the article.

The article, together with certain other products, was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2913.

DISPOSITION: On February 24, 1949, the Miracle Food Co., claimant, filed a request for answers to certain interrogatories. The interrogatories were answered, and on November 17, 1949, the claimant having consented to the entry of a decree and the court having found that the product was misbranded as alleged in the libel (except that no finding was made with respect to the allegation that the name "Fruitonya" was misleading), judgment of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15601 TO 15650

PRODUCTS

	N. J. No.		N. J. No.
Apricots, canned	15632	Cottage cheese, creamed	15622
Bakery products	15604-15606	Cream, canned	15623
Blackberry jelly	15637	Dairy products	¹ 15616-15623
Brazil nuts	15642	Dates	15634
Broccoli, frozen	15639	Fats. See Oils and fats.	
Butter	15616-15618, 15622	Fish and shellfish	15624-15631
Candy	15601, 15602	Flour	15609-15614
Cashew nuts	15643	Fruitonya	15650
Cereals and cereal products	15604-15615	Fruits and vegetables	15632-15641
Cheese	¹ 15619-15622	fruit, canned	15632, 15633
Colby	15621	dried	15634, 15635
cottage, creamed	15622	fresh	15636
Chocolate sirup	15602	jelly and preserves	15637, 15638
Clams, canned	15629	vegetables	15639-15641
Colby cheese	15621	Grape jelly	15637
Cones, ice cream	15604-15606	Haddock fillets, frozen	15624
Corn, canned	15640, 15641	Ice cream cones	15604-15606
meal	15607-15609	Jelly, blackberry, grape, and raspberry	15637

¹ (15619) Prosecution contested.

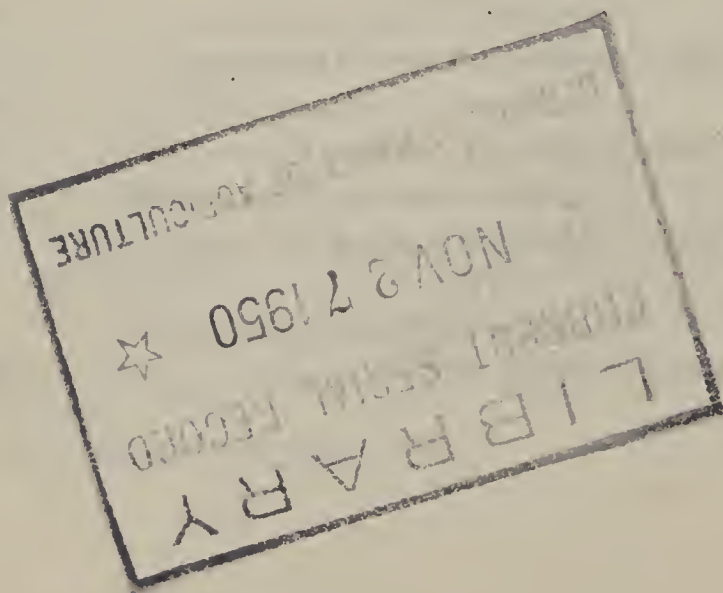
	N. J. No.		N. J. No.
Kretschmer's wheat germ	15646	Shrimp, frozen	15631
Nuts	15642, 15643	Sirup(s), miscellaneous, fire-	
Oils and fats	15644, 15645	damaged	15603
Olive oil	15644	chocolate	15602
Oranges	15636	Special Yeast Amino Acids	
Oysters, canned	15630	Tablets	15649
Pastry flour	15609-15612	Strawberry preserves	15638
Peanut oil	15645	Tullibeas, frozen	15627
Preserves, strawberry	15638	Vegetables. <i>See</i> Fruits and veg-	
Prunes, dried, canned	15633	etables.	
Raspberries, black, dried	15635	Vitamin, mineral, and other	
Raspberry jelly	15637	products of special dietary	
Rice	15615	significance	15646-15650
Rye flour	15612	Wheat germ, Kretschmer's	15646
Salmon, canned	15625	Whiting fillets, frozen	15628
Sardines, canned	15626	Whole wheat flour	15613
Shellfish. <i>See</i> Fish and shellfish.			

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
A. & P. Food Stores:		Farmers Union Cooperative	
brazil nuts	15642	Creamery:	
Antonelli, D. F.:		butter	15616
olive oil	15644	Forbess, R. H.:	
Benkovitz, Morris:		cheese	¹ 15619
frozen whiting fillets	15628	Frank, L., & Co., Inc.:	
Booth Fisheries Canadian Co.,		butter	15622
Ltd.:		Friedman, Morris:	
frozen tullibeas	15627	canned salmon	15625
Bornheim, Nathan:		General Mills, Inc.:	
candy	15601	rye flour, pastry flour, and	
Brown, P. F., & Co.:		plain flour	15612
butter	15618	Greene, John:	
Capital Food Co.:		candy	15601
olive oil	15644	Hush, Orval:	
Cherry, J. H.:		candy	15601
frozen haddock fillets	15624	Hygrade Food Products Corp.:	
Coastal Freezing Plant:		Cheddar cheese	15620
frozen shrimp	15631	J & M Trading Co.:	
Corwin, Tom, Canning Co., Inc.:		sirups	15603
canned corn	15641	Maple Dell Candy Co.:	
Crossfield Foods, Inc.:		candy	15601
strawberry preserves	15638	Midwest Dairy Despatch:	
Croucher, I. N., & Son:		butter	15618
dried black raspberries	15635	Millstadt Milling Co.:	
Dairy Dream Farms, Inc.:		pastry flour and corn meal	15609
canned cream	15623	Neptune Packing Co. <i>See</i> Cherry,	
Fairmont Foods Co.:		J. H.	
creamed cottage cheese and but-		Preston Milling Industries:	
ter	15622	flour	15614

¹ (15619) Prosecution contested.

	N. J. No.		N. J. No.
Pruitt, H. A.:		Sifers Candy Co.:	
butter-----	15617	chocolate sirup and candy-----	15602
Pruitt Produce Co. <i>See</i> Pruitt,		Stevens, A. G.:	
H. A.		canned apricots-----	15632
Purity Sugar Cone & Confection-		Stevens Canning Co.:	
ery Co., Inc.:		canned apricots-----	15632
ice cream cones-----	15606	Sunlight Bakery:	
Haines Oyster Co.:		whole wheat flour-----	15613
canned clams-----	15629	Thomas, C. B.:	
Higgins, Wm. A., & Co.:		corn meal-----	15607
brazil nuts-----	15642	Torino, Enrico:	
Honor Brand Frosted Foods, Inc.,		olive oil-----	15644
Div. of Stokely-Van Camp,		Tracy, J. C., Co.:	
Inc.:		canned dried prunes-----	15633
frozen broccoli-----	15639	Underwriter Salvage Co. of New	
Jaxon Products Co.:		York:	
jelly-----	15637	miscellaneous salvaged foods	
Kretschmer Corp.:		(vitamins)-----	15648
wheat germ-----	15646	United Food Specialty Co.:	
Libby, McNeill & Libby:		canned salmon-----	15625
canned corn-----	15640	Vernon Milling Co. <i>See</i> Thomas,	
Live Fish Co. <i>See</i> Benkovitz,		C. B.	
Morris.		Wakem & McLaughlin, Inc.:	
Long's Date Gardens:		rice-----	15615
dates-----	15634	Warsaw Cheese Co.:	
Miracle Food Co.:		Colby cheese-----	15621
Fruitonya-----	15650	Weisheimer Bros.:	
Morgan City Canning Co., Inc.:		corn meal-----	15608
canned oysters-----	15630	Wilson & Co., Inc.:	
Opelousas Oil Refinery:		cheese----- ¹	15619
peanut oil-----	15645	Wollenman Packing Co.:	
Rohtstein, H., & Co., Inc.:		oranges-----	15636
pastry flour-----	15611	Woolwine Cone Co.:	
Savoy Drug & Chemical Co.:		ice cream cones-----	15604, 15605
Special Yeast Amino Acids Tab-			
lets-----	15649		

¹ (15619) Prosecution contested.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15651-15700

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., May 24, 1950.

CONTENTS

	Page		Page
Beverages and beverage materials..	898	Fish and shellfish.....	908
Cereals and cereal products.....	899	Fruits and vegetables.....	909
Bakery products.....	899	Canned fruit.....	909
Corn meal.....	901	Frozen fruit.....	910
Macaroni and noodle products..	902	Miscellaneous fruit product....	910
Miscellaneous cereals and cereal		Vegetables and vegetable prod-	
products.....	903	ucts.....	910
Dairy products.....	905	Tomatoes and tomato products..	911
Butter.....	905	Vitamin, mineral, and other prod-	
Cheese.....	906	ucts of special dietary signifi-	
Miscellaneous dairy product....	907	cance.....	913
Eggs.....	907	Index.....	916

BEVERAGES AND BEVERAGE MATERIALS

15651. Adulteration of coffee. U. S. v. 43 Bags * * *. (F. D. C. No. 27691. Sample No. 32642-K.)

LIBEL FILED: August 13, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about July 6, 1949, by the W. L. McClintock Co., from Seattle, Wash.

PRODUCT: 43 150-pound bags of coffee at San Francisco, Calif.

LABEL, IN PART: "Skims Aronco Cavalier Menizales Excelso" or "Skims Medalin Excelsa Santos Brasil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of being moldy.

DISPOSITION: November 2, 1949. Leonidas Lara Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning and cleaning under the supervision of the Federal Security Agency. A total of 581 pounds of the product was sorted out as unfit and was destroyed.

15652. Adulteration of green coffee. U. S. v. 77 Bags * * *. (F. D. C. No. 27701. Sample No. 60428-K.)

LIBEL FILED: September 2, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 7, 1949, from Brazil.

PRODUCT: 77 125-pound bags of green coffee at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 4, 1949. Urban F. Myers & Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 31 bags was found unfit and was destroyed.

15653. Adulteration of tomato juice. U. S. v. 809 Cases, etc. (F. D. C. No. 26996. Sample Nos. 10852-K, 10855-K.)

LIBEL FILED: April 13, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7 and 14, 1949, by the Sun-Rayed Co., from Frankfort, Ind.

PRODUCT: 809 cases, each containing 48 13-ounce cans, and 422 cases, each containing 12 46-ounce cans, of tomato juice at New York, N. Y.

LABEL, IN PART: (Can) "Kemp's Sun-Rayed Brand Pure Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 7, 1949. Seggerman Nixon Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the

Federal Security Agency. The segregation operations were completed on or about September 6, 1949, and resulted in the destruction of approximately 98 cases of 13-ounce cans and 328 cases of 46-ounce cans.

15654. Adulteration of tomato juice. U. S. v. 232 Cases * * *. (F. D. C. No. 27437. Sample No. 44847-K.)

LIBEL FILED: June 28, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about October 22, 1948, by the Vincennes Packing Corp., from Vincennes, Ind.

PRODUCT: 232 cases, each containing 6 3-quart cans, of tomato juice at Duluth, Minn.

LABEL, IN PART: "Home Brand * * * Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 29, 1949. The Vincennes Packing Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and conversion of the unfit portion into animal feed, under the supervision of the Federal Security Agency. A total of 46 cases was segregated as unfit and was destroyed on December 20, 1949.

15655. Adulteration of tomato juice. U. S. v. 85 Cases * * *. (F. D. C. No. 27897. Sample No. 46740-K.)

LIBEL FILED: October 5, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 24, 1949, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 85 cases, each containing 24 3-quart cans, of tomato juice at Pittsburgh, Pa.

LABEL, IN PART: "Iona Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 10, 1950. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15656. Adulteration of bread. U. S. v. Midwest Bakery & Macaroni Co., a corporation, and Joseph Filardo, Joe Cusumano, and Jack Binaggia. Pleas of guilty. Corporation fined \$700; each individual defendant fined \$6. (F. D. C. No. 27500. Sample Nos. 20575-K to 20580-K, incl.)

INDICTMENT RETURNED: July 28, 1949, Western District of Missouri, against the Midwest Bakery & Macaroni Co., a corporation, Kansas City, Mo., and Joseph Filardo, president, Joe Cusumano, vice president, and Jack Binaggia, secretary.

ALLEGED SHIPMENT: On or about April 21, 1949, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Roma Bakery Italian [or "Pumpernickel"] Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and parts, rodent hair fragments, rodent pellet fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Pleas of guilty having been entered, the court fined the corporation \$700 on October 31, 1949, and each individual defendant \$6 on January 13, 1950.

15657. Adulteration of bread. U. S. v. The Twentieth Century Bakery, Inc., and Charles W. Gately. Pleas of nolo contendere. Corporation fined \$400; individual defendant fined \$100. (F. D. C. No. 27535. Sample Nos. 5962-K, 5963-K, 5965-K, 62112-K, 62114-K, 62115-K.)

INFORMATION FILED: January 9, 1950, District of Massachusetts, against the Twentieth Century Bakery, Inc., Haverhill, Mass., and Charles W. Gately, treasurer and clerk of the corporation.

ALLEGED SHIPMENT: On or about February 2 and June 23, 1949, from the State of Massachusetts into the State of New Hampshire.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 31, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$400 and the individual defendant \$100.

15658. Adulteration of bread. U. S. v. Emmett E. Smith (Dan Dee Bakery). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 27496. Sample Nos. 46157-K to 46159-K, incl.)

INFORMATION FILED: August 15, 1949, Southern District of Illinois, against Emmett E. Smith, trading as Dan Dee Bakery, at Rock Island, Ill.

ALLEGED SHIPMENT: Between the approximate dates of April 18 and 23, 1949, from the State of Illinois into the State of Iowa.

LABEL, IN PART: (Portion) "Dan Dee Bread White" and "Dan Dee Poppy Seed Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larval heads, insect fragments, rodent hair fragments, mites, and larvae; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 1, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

15659. Adulteration of pies. U. S. v. Lake View Bakery Co. and Demetrius N. Karalis. Pleas of guilty. Defendants each fined \$750 and placed on probation for 3 years. (F. D. C. No. 26782. Sample Nos. 44620-K to 44624-K, incl., 44626-K, 44628-K.)

INFORMATION FILED: May 6, 1949, District of Minnesota, against the Lake View Bakery Co., a partnership, Minneapolis, Minn., and Demetrius N. Karalis, a partner.

ALLEGED SHIPMENT: On or about January 27, 1949, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Lakeview Pie Apple [or "Raisin," "Lemon," "Peach," or "Cocoanut Cream"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 3, 1950. Pleas of guilty having been entered, the court fined each defendant \$750, and each was placed on probation for 3 years.

CORN MEAL

15660. Adulteration of corn meal. U. S. v. Charles Leo Kingrea (Kingrea Milling Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 27506. Sample Nos. 2914-K, 3277-K to 3280-K, incl.)

INDICTMENT RETURNED: October 24, 1949, Western District of Virginia, against Charles Leo Kingrea, trading as the Kingrea Milling Co., Narrows, Va.

ALLEGED SHIPMENT: On or about March 4 and 28 and April 5, 8, and 16, 1949, from the State of Virginia into the State of West Virginia.

LABEL, IN PART: "Narrows Waterground Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta pellet fragments, rodent hair fragments, insect pupae, larval heads, insect fragments, feather fragments, a moth, and moth wing scale fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 3, 1950. A plea of guilty having been entered, the court imposed a fine of \$400.

15661. Adulteration of corn meal. U. S. v. 97 Bags, etc. (F. D. C. No. 27761. Sample Nos. 52810-K, 52812-K.)

LIBEL FILED: September 26, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 26 and September 7, 1949, by A. J. Seibert Co., Inc., from Louisville, Ky.

PRODUCT: Corn meal. 97 10-pound bags, 25 25-pound bags, and 52 bales, each containing 10 5-pound bags, at North Madison, Ind.

LABEL, IN PART: "Riverside Mills Indian Head Degerminated [or "Enriched Degerminated"] Bolted White Corn Meal Murphy Grain & Milling Co. Owensboro, Kentucky."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, and insect fragments.

DISPOSITION: November 4, 1949. Default decree of forfeiture. The court ordered that the product be delivered to a State institution, for use as animal feed.

15662. Adulteration of corn meal. U. S. v. 26 Bales * * *. (F. D. C. No. 27759. Sample Nos. 52502-K, 52575-K.)

LIBEL FILED: September 20, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 29, 1949, by the B & L Milling Co., from Mexico, Ind.

PRODUCT: Corn meal. 12 bales, each containing 10 5-pound bags, and 14 bales, each containing 25 2-pound bags, at Cincinnati, Ohio.

LABEL, IN PART: "Tops-All Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs.

DISPOSITION: February 20, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

MACARONI AND NOODLE PRODUCTS

15663. Adulteration of macaroni products. U. S. v. Ernest Ponce (El Paso Macaroni Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 27517. Sample Nos. 49430-K, 49433-K, 49435-K.)

INFORMATION FILED: October 19, 1949, Western District of Texas, against Ernest Ponce, trading as the El Paso Macaroni Co., El Paso, Tex.

ALLEGED SHIPMENT: On or about May 9 and 17, 1949, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Macaroni Products * * * Packed by Golden Desert Foods El Paso, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect body parts, thrips, mites, rodent hair fragments, and rodent feces; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 20, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$300.

15664. Adulteration of egg noodles and soup nuts. U. S. v. Aperion Products Co., a corporation, and Solomon B. Jacobson. Pleas of nolo contendere. Corporation fined \$100; individual defendant fined \$50. (F. D. C. No. 27512. Sample Nos. 7968-K, 10178-K, 13311-K, 13312-K, 13330-K.)

INFORMATION FILED: December 8, 1949, District of Massachusetts, against the Aperion Products Co., Boston, Mass., and Solomon B. Jacobson, treasurer.

ALLEGED SHIPMENT: On or about March 4, 15, and 17, and April 1, 1949, from the State of Massachusetts into the States of Pennsylvania, New York, and New Jersey.

LABEL, IN PART: "Aperion Egg Noodles [or "Soup Nuts"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of (all shipments) rodent hair fragments and (1 shipment of egg noodles) rodent fecal matter; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 5, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$100 and the individual defendant \$50.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15665. Misbranding of ground whole oats. U. S. v. Schafer Feed & Grain Products Co. Plea of guilty. Fine of \$300, plus costs. (F. D. C. No. 25342. Sample No. 39588-K.)

INFORMATION FILED: November 29, 1948, Southern District of Illinois, against the Schafer Feed & Grain Products Co., a corporation, Peoria, Ill.

ALLEGED SHIPMENT: On or about May 15, 1948, from the State of Illinois into the State of Texas.

LABEL, IN PART: "Ground Whole Oats * * * Crude Protein not less than . . . 11.00 Per Cent Crude Fiber not more than . . . 12.00 Per Cent."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Crude Protein not less than . . . 11.00 Per Cent" and "Crude Fiber not more than . . . 12.00 Per Cent" were false and misleading since the product contained less than 11 percent of crude protein and more than 12 percent of crude fiber.

DISPOSITION: February 14, 1950. A plea of guilty having been entered, the court fined the defendant \$300, plus costs.

15666. Misbranding of pulverized oats. U. S. v. Frank W. Schafer (Schafer Oats Products). Plea of guilty. Fine, \$300. (F. D. C. No. 26764. Sample No. 38742-K.)

LIBEL FILED: April 28, 1949, Southern District of Illinois, against Frank W. Schafer, trading as Schafer Oats Products, Galesburg, Ill.

ALLEGED SHIPMENT: On or about April 24, 1948, from the State of Illinois into the State of Ohio.

LABEL, IN PART: "Gale Pulverized Oats Crude Protein . . . Min. . . . 11.00% * * * Crude Fiber . . . Max. . . . 13.75%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Crude Protein . . . Min. . . . 11%" and "Crude Fiber . . . Max. . . . 13.75%" were false and misleading since the product contained less than 11 percent of crude protein and more than 13.75 percent of crude fiber.

DISPOSITION: February 14, 1950. A plea of guilty having been entered, the court fined the defendant \$300.

15667. Adulteration of popped popcorn. U. S. v. Confectioners, Inc., and Gerald Berberian. Pleas of guilty. Fine of \$100 against corporation and fine of \$1 against individual. (F. D. C. No. 27493. Sample Nos. 5659-K, 5660-K.)

INFORMATION FILED: November 8, 1949, District of Massachusetts, against Confectioners, Inc., Boston, Mass., and Gerald Berberian, manager.

ALLEGED SHIPMENT: On or about February 15 and 28, 1949, from the State of Massachusetts into the State of Rhode Island.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 29, 1949. Pleas of guilty having been entered, the court imposed a fine of \$100 against the corporation and a fine of \$1 against the individual.

15668. Adulteration of popcorn. U. S. v. 297 Bags * * *. (F. D. C. No. 27735. Sample Nos. 43226-K, 43227-K.)

LIBEL FILED: September 6, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 18 and September 10, 1948, and June 14, 1949, from Kimmell, Ind.

PRODUCT: 297 100-pound bags of popcorn at Detroit, Mich. (A total of 382 bags were actually seized.)

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1949. Manley, Inc., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Of the 382 bags seized, 118 bags were found unfit and were denatured for use as animal feed. The segregation operations were completed on or about January 27, 1950.

15669. Adulteration of rice. U. S. v. 400 Bags * * *. (F. D. C. No. 27423. Sample No. 33897-K.)

LIBEL FILED: June 16, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about October 16, 1948, from Crowley, La.

PRODUCT: 400 50-pound bags of rice at San Francisco, Calif., in possession of the Gibraltar Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 22, 1949. J. S. Chu, trading as the Pacific Far East Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of the Federal Security Agency. A total of 145 bags was segregated as fit for human consumption. The remainder, consisting of 255 bags was denatured and sold for use as animal feed.

15670. Adulteration of wheat. U. S. v. 1,219,940 Pounds * * *. (F. D. C. No. 24030. Sample Nos. 20842-K to 20851-K, incl., 21462-K.)

LIBEL FILED: On or about January 5, 1948, Western District of Missouri.

ALLEGED SHIPMENT: Between November 26 and December 1, 1947, by Felix Meyer Co., Inc., from Houston, Tex.

PRODUCT: 1,219,940 pounds of wheat at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed wheat.

DISPOSITION: March 28, 1949. The Mid-Continent Grain Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented

to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Drying and sterilization operations were completed on December 16, 1949. A total of 889,310 pounds was recovered and was released for use as cattle feed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **15671**, **15672**, and **15674**; that was below the legal standard for milk fat content, No. **15674**; and that was short of the declared weight, No. **15673**.

15671. Adulteration of butter. U. S. v. Edgerton Cooperative Creamery and Jerry Notting. Pleas of guilty. Each defendant fined \$800; individual defendant placed on probation for 2 years. (F. D. C. No. 26762. Sample No. 8995-K.)

INFORMATION FILED: July 16, 1949, District of Minnesota, against Edgerton Cooperative Creamery, a corporation, Edgerton, Minn., and Jerry Notting, manager.

ALLEGED SHIPMENT: On or about October 15, 1948, from the State of Minnesota into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, mites, rat or mouse hair fragments, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 3, 1949. Pleas of guilty were entered. The court fined the corporation \$800. The court sentenced the individual defendant to a year in jail, but the sentence was suspended on condition that he pay a fine of \$800; in addition, this defendant was placed on probation for 2 years.

15672. Adulteration of butter. U. S. v. Eagle Bend Cooperative Creamery Assn. and George A. Johnson. Pleas of guilty. Fine of \$250 against the association and a fine of \$100 against the individual. (F. D. C. No. 26702. Sample No. 13275-K.)

INFORMATION FILED: September 22, 1949, District of Minnesota, against the Eagle Bend Cooperative Creamery Assn., a corporation, Eagle Bend., Minn., and George A. Johnson, manager of the corporation.

ALLEGED VIOLATION: The giving of a false guaranty. On or about September 16, 1947, the defendants delivered to a firm in St. Paul, Minn., a guaranty to the effect that all food products sold or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law.

On or about October 28, 1948, the defendants delivered under the guaranty a quantity of butter which was adulterated. The holder of the guaranty was engaged in the business of shipping butter in interstate commerce.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, mites, a cat hair fragment, cow hair fragments, a feather fragment, and manure;

and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 12, 1949. Pleas of guilty having been entered, the court imposed a fine of \$250 against the association and a fine of \$100 against the individual.

15673. Misbranding of canned butter and canned dehydrated eggs. U. S. v. 5 Cartons, etc. (F. D. C. No. 27319. Sample Nos. 3890-K, 3891-K.)

LIBEL FILED: June 9, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about November 15, 1948, and May 3, 1949, by the Coburn Farm Products Corp., from New York, N. Y.

PRODUCT: 5 cartons, each containing 24 cans, of butter, and 5 cartons, each containing 24 cans, of dehydrated whole eggs, at Washington, D. C.

LABEL, IN PART: (Can) "1 Pound Net Wt. Sondra Creamery Butter" and "Sondra Brand Dehydrated Whole Eggs * * * Contents 8 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents. (The articles were short of the declared weight.)

DISPOSITION: March 1, 1950. The Coburn Farm Products Corp. having appeared as claimant and later withdrawn its claims, judgment of condemnation was entered and the court ordered that the dehydrated eggs be delivered to the Food and Drug Administration for the purpose of examination and that the butter be delivered to a local hospital for its use and not for sale.

15674. Adulteration of canned imitation butter. U. S. v. 184 Cases * * *. (F. D. C. No. 27755. Sample No. 36868-K.)

LIBEL FILED: On or about September 21, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about August 30, 1948, by the Aleutco Corp., from Adak, Alaska.

PRODUCT: 184 cases, each containing 8 6-pound, 9-ounce cans, or 6-pound, 4-ounce cans, of imitation butter at Tacoma, Wash.

LABEL, IN PART: "Preserved Butter Army Spread [or "Carter's Spread"] For Export Only Not to be resold."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (Carter's Spread) the product was unfit for food by reason of its rancidity; and, Section 402 (b) (2), (Army Spread) a product resembling a soft cheese spread and containing less than 80 percent of milk fat had been substituted in whole or in part for butter, which the product purported to be.

DISPOSITION: December 15, 1949. Default decree of condemnation and forfeiture. The product was destroyed.

CHEESE

15675. Adulteration of Formaggio cheese. U. S. v. Italian Cheese Mfg. Co. and Joseph P. Tito. Pleas of nolo contendere. Each defendant fined \$100. (F. D. C. No. 27537. Sample Nos. 11947-K, 11948-K.)

INFORMATION FILED: October 14, 1949, Eastern District of Pennsylvania, against the Italian Cheese Mfg. Co., a partnership, Bath, Pa., and Joseph P. Tito, a partner.

ALLEGED SHIPMENT: On or about May 31, 1949, from the State of Pennsylvania into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 24, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$100.

15676. Adulteration of cheese. U. S. v. 1 Keg * * *. (F. D. C. No. 27752. Sample No. 55344-K.)

LIBEL FILED: On or about October 28, 1949, District of Kansas.

ALLEGED SHIPMENT: On or about July 20, 1949, by Angelo Manos, Trinchera, Colo.

PRODUCT: 1 85-pound keg of cheese at Kansas City, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and dirt.

DISPOSITION: January 9, 1950. Default decree of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCT

15677. Adulteration of ice cream. U. S. v. Harold D. Myers (Alamosa Creamery Co.). Plea of guilty. Sentence of 30 days in jail and fine of \$500. Jail sentence subsequently modified. (F. D. C. No. 26744. Sample Nos. 49518-K to 49520-K, incl., 49523-K.)

INFORMATION FILED: October 3, 1949, District of Colorado, against Harold D. Myers, trading as the Alamosa Creamery Co., Alamosa, Colo.

ALLEGED SHIPMENT: On or about April 23 and 28, 1949, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: (Portion) "Myers Sweet Cream Vanilla Ice Cream."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On December 2, 1949, a plea of guilty having been entered, the court imposed a fine of \$500 and sentenced the defendant to serve 30 days in jail. On December 13, 1949, the court entered an order modifying the judgment of December 2, 1949, so as to release the defendant from custody.

EGGS*

15678. Misbranding of frozen liquid whole eggs. U. S. v. Independent Food Products Co., Inc., et al. Pleas of guilty by Independent Food Products Co., Inc., and Israel Rosenbaum; pleas of not guilty by Sam Rosenbaum and Sidney Weissman. Independent Food Products Co., Inc., fined \$500; Israel Rosenbaum fined \$100. Actions dismissed as to Sam Rosen-

*See also No. 15673.

baum and Sidney Weissman. (F. D. C. No. 21447. Sample Nos. 8097-H, 8761-H.)

INFORMATION FILED: February 3, 1947, District of New Jersey, against Independent Food Products Co., Inc., Newark, N. J., Israel Rosenbaum and Sam Rosenbaum, president and treasurer, respectively, of the corporation, and Sidney Weissman, plant manager.

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for frozen whole eggs in that it was not the food prepared by freezing liquid eggs as defined and identified in the regulations since it contained added water and yellow coal-tar color.

DISPOSITION: On February 13, 1948, pleas of not guilty previously entered on behalf of Independent Food Products Co., Inc., and Israel Rosenbaum having been withdrawn and pleas of guilty entered, the court fined the former \$500 and the latter \$100. Pleas of not guilty having been entered by the remaining two defendants, the action was dismissed as to Sam Rosenbaum on February 13, 1948, and was dismissed as to Sidney Weissman on January 30, 1950.

15679. Adulteration of frozen egg whites and yolks. U. S. v. Mrs. Yetta Weiner (Iowa Egg Co.). Plea of guilty. Fine of \$250 and costs. (F. D. C. No. 27523. Sample No. 60404-K.)

INDICTMENT RETURNED: November 17, 1949, Southern District of Iowa, against Mrs. Yetta Weiner, trading as the Iowa Egg Co., Des Moines, Iowa.

ALLEGED SHIPMENT: On or about May 7, 1949, from the State of Iowa into the State of Illinois.

LABEL, IN PART: "Frozen Whites & Yolks * * * Packed By Iowa Egg Company Des Moines, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: November 25, 1949. A plea of guilty having been entered, the court imposed a fine of \$250 and costs.

FISH AND SHELLFISH

15680. Adulteration of canned sardines. U. S. v. American Trading Co. of San Francisco. Plea of guilty. Fine, \$300. (F. D. C. No. 27509. Sample Nos. 40603-K, 40604-K, 40606-K.)

INFORMATION FILED: August 30, 1949, Southern District of California, against the American Trading Co. of San Francisco, a corporation, doing business at Los Angeles, Calif.

ALLEGED SHIPMENT: On or about September 9, 1948, from the State of California into the State of Oregon.

LABEL, IN PART: "Marine Bowl Brand California Sardines in Tomato Sauce Packed By American Seafood Products Co. Wilmington, Calif." and "Guadalupe Brand California Sardines Packed for American Trading Company of California San Francisco Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed sardines.

DISPOSITION: November 21, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

15681. Adulteration of herring roe. U. S. v. 22 Cases * * *. (F. D. C. No. 27824. Sample No. 40334-K.)

LIBEL FILED: September 21, 1949, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about May 12, 1949, by Southgate Brokerage Co., Inc., from Norfolk, Va.

PRODUCT: 22 cases, each containing 24 15-ounce cans, of herring roe at Elizabeth City, N. C.

LABEL, IN PART: (Can) "Deep Point Brand * * * Herring Roe Packed By Deep Point Canning Co. Montross, Va."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in whole or in part for herring roe.

DISPOSITION: February 6, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

15682. Adulteration of crab meat. U. S. v. Brice R. Phillips (A. E. Phillips & Son). Plea of guilty. Fine of \$500 and costs. (F. D. C. No. 27540. Sample Nos. 3299-K, 66802-K.)

INFORMATION FILED: October 11, 1949, District of Maryland, against Brice R. Phillips, trading as A. E. Phillips & Son, Fishing Creek, Md.

ALLEGED SHIPMENT: On or about July 22 and 26, 1949, from the State of Maryland into the State of Pennsylvania.

LABEL, IN PART: "A. E. Phillips * * * Special Crab Meat" and "Fresh Maryland Crab Meat Back Fin [or "Regular" or "Claw"] Best All-Ways."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance, as evidenced by the presence in the article of fecal *E. coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 5, 1949. A plea of guilty having been entered, the court imposed a fine of \$500 and costs.

FRUITS AND VEGETABLES

CANNED FRUIT

15683. Misbranding of canned peaches. U. S. v. 146 Cases * * *. (F. D. C. No. 27835. Sample Nos. 32096-K, 33102-K.)

LIBEL FILED: September 9, 1949, Southern District of Texas.

ALLEGED SHIPMENT: On or about August 12, 1949, by the Puccinelli Packing Co., from Turlock, Calif.

PRODUCT: 146 cases, each containing 6 6-pound, 14-ounce cans, of peaches at Houston, Tex.

LABEL, IN PART: (Can) "Tru-Sweet Brand Yellow Freestone Peach Halves In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by such regulations, the name of the optional packing medium present in the article. The label bore the statement "In Extra Heavy

Syrup," whereas the article was packed in sirup designated as "light sirup" in the regulation.

Further misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned peaches since the cans did not contain the maximum quantity of peach halves which could be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient, as specified by the standard; and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: November 23, 1949. The Puccinelli Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

FROZEN FRUIT

15684. Adulteration of frozen strawberries. U. S. v. 39 Cans * * *. (F. D. C. No. 27628. Sample No. 8650-K.)

LIBEL FILED: August 11, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about May 23, 1949, by the Bateman Frozen Foods Co., from Macon, Ga.

PRODUCT: 39 25-pound cans of frozen strawberries at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten strawberries.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS FRUIT PRODUCT

15685. Adulteration of black raspberry puree. U. S. v. 300 Cans * * *. (F. D. C. No. 27885. Sample No. 42852-K.)

LIBEL FILED: October 10, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 11 and 24, 1949, by the Sodus Fruit Exchange, from Sodus, Mich.

PRODUCT: 300 30-pound cans of black raspberry puree at Evanston, Ill.

LABEL, IN PART: "Frozen Black Raspberry Puree Sugar Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raspberry material.

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

15686. Misbranding of fresh mushrooms. U. S. v. Joseph Teti (Joseph Teti & Son). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 27519. Sample Nos. 13503-K, 13507-K.)

INFORMATION FILED: October 10, 1949, Eastern District of Pennsylvania, against Joseph Teti, trading as Joseph Teti & Son, Toughkenamon, Pa.

ALLEGED SHIPMENT: On or about April 20 and 21, 1949, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: "3 Lb. Net Mushrooms Joseph Teti & Son."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets contained less than the declared weight of 3 pounds.

DISPOSITION: January 16, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$500.

15687. Adulteration of canned black-eyed peas. U. S. v. 113 Cases * * *.
(F. D. C. No. 27732. Sample No. 52312-K.)

LIBEL FILED: August 31, 1949, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 2, 1949, by J. W. Wood, Lynchburg, Va., and H. L. Lawson & Sons, Roanoke, Va.

PRODUCT: 113 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Hohenwald, Tenn.

LABEL, IN PART: "LaRue * * * Blackeyed Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

DISPOSITION: December 29, 1949. Default decree of destruction.

15688. Adulteration of potato chips and pecans. U. S. v. James P. Bush (Bush & Long Potato Chip Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 27513. Sample Nos. 49432-K, 49437-K.)

INFORMATION FILED: August 24, 1949, Western District of Texas, against James P. Bush, trading as the Bush & Long Potato Chip Co., El Paso, Tex.

ALLEGED SHIPMENT: On or about May 14 and 18, 1949, from the State of Texas into the State of New Mexico.

LABEL, IN PART: (Bags) "Bush's Fresh Pecans * * * Net Weight 4 oz." and "Longhorn Potato Chips Net Weight 8 oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents since the bags of pecans contained less than the declared 4 ounces and the bags of potato chips contained less than the declared 8 ounces.

DISPOSITION: January 11, 1950. A plea of guilty having been entered, the court fined the defendant \$150.

TOMATOES AND TOMATO PRODUCTS*

15689. Adulteration of canned tomatoes. U. S. v. Frank I. Mease (Reeds Spring Canning Co.). Plea of guilty. Sentence of 1 year in jail suspended and defendant placed on probation for 2 years. (F. D. C. No. 26813. Sample Nos. 20437-K, 27660-K, 27663-K.)

INFORMATION FILED: July 19, 1949, Western District of Missouri, against Frank I. Mease, trading as Reeds Spring Canning Co., Reeds Spring, Mo.

ALLEGED SHIPMENT: On or about September 15, 16, and 29, 1948, from the State of Missouri into the States of Arkansas and Kansas.

LABEL, IN PART: "Big League [or "Cheerio Brand" or "Red Raven"] Hand Packed Tomatoes."

*See also Nos. 15653-15655.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of maggots and fly eggs; and, Section 402 (a) (4), it had been prepared and packed under unsanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 5, 1949. A plea of guilty having been entered, the court imposed a sentence of 1 year in jail. The sentence was suspended and the defendant was placed on probation for 2 years, provided that he sell his plant and discontinue the packing of tomato products.

15690. Adulteration and misbranding of canned tomatoes. U. S. v. 1,073 Cases
* * *. (F. D. C. No. 27840. Sample Nos. 47183-K, 47184-K.)

LIBEL FILED: September 14, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 22 and 28, 1949, by A. W. Sisk & Son and W. T. Andrews, from Cambridge, Md.

PRODUCT: 1,073 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Pittsburgh, Pa.

LABEL, IN PART: (Can) "Cardinal Brand Tomatoes * * * Packed By Walter T. Andrews & Son Cambridge, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added water had been substituted in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in such definition and standard. Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since it contained excessive tomato peel, and its label failed to bear the statement that it fell below such standard.

DISPOSITION: January 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15691. Adulteration of canned tomatoes. U. S. v. 99 Cases * * *. (F. D. C. No. 27666. Sample No. 60837-K.)

LIBEL FILED: On or about July 29, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about May 24, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 99 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Lawrenceville, Ill.

LABEL, IN PART: "White Fairy Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 19, 1950. Default decree of condemnation. The court ordered that the product be sold for use other than for human consumption; otherwise, that it be destroyed.

15692. Misbranding of tomato puree. U. S. v. Anthony F. Taormina and Eugene A. Taormina (Taormina Co.). Pleas of guilty. Each defendant fined \$50. (F. D. C. No. 26321. Sample No. 23238-K.)

INFORMATION FILED: April 15, 1949, Southern District of Texas, against Anthony F. Taormina and Eugene A. Taormina, two of the partners of the Taormina Co., Donna, Tex.

ALLEGED SHIPMENT: On or about July 6, 1948, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Buffalo Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: December 5, 1949. Pleas of guilty having been entered, the court fined each defendant \$50.

15693. Misbranding of tomato puree. U. S. v. Delta Canning Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 26796. Sample Nos. 27053-K, 27389-K.)

LIBEL FILED: July 6, 1949, Southern District of Texas, against Delta Canning Co., Inc., Raymondville, Tex.

ALLEGED SHIPMENT: On or about August 7, 1947, and July 11, 1948, from the State of Texas into the State of Arkansas.

LABEL, IN PART: "Frost Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: December 5, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15694. Action to enjoin and restrain the interstate shipment of vitamin and mineral tablets. U. S. v. Cowley Pharmaceuticals, Inc. Preliminary injunction denied. (Inj. No. 186.)

COMPLAINT FILED: February 26, 1948, District of Massachusetts, against Cowley Pharmaceuticals, Inc., Worcester, Mass.

NATURE OF CHARGE: That the defendant had been, and was at the time the complaint was filed, shipping in interstate commerce certain foods (vitamin and mineral tablets) which were adulterated and misbranded in the following manner:

(Products labeled "Ferrovyt," "1000 Tablets Vitamins and Minerals," and "100 Tablets Vitamins and Minerals," respectively.) Adulteration, Section 402 (b) (1), valuable constituents, vitamins, had been in part omitted in that each tablet of Ferrovyt was represented to contain 333 U. S. P. units of vitamin B₁, each three tablets of the product labeled "1000 Tablets Vitamins and Minerals" were represented to contain 333 U. S. P. units of vitamin B₁ and 5,000 U. S. P. units of vitamin A, and each 3 tablets of the product labeled "100 Tablets Vitamins and Minerals" were represented to contain 5,000 U. S. P. units of vitamin A and 10 milligrams of niacinamide, whereas the tablets contained less than the stated quantities of the named vitamins. Misbranding, Section 403 (a), the statements, "each tablet contains vitamin B₁, 333 U. S. P. Units," "Each 3 tablets contain Vitamin * * * A 5000 U. S. P. Units, B₁ 333 U. S. P. Units," and "Each 3 Tablets Contain Vitamin A 5000 U. S. P. Units Niacinamide 10 mg.," on the labels of the respective products, were false and misleading.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

The defendant also was charged with the interstate shipment of various adulterated and misbranded drugs. See notices of judgment on drugs and devices, No. 2961.

DISPOSITION: On April 2, 1948, the court entered an order denying the Government's motion for a preliminary injunction. Findings of fact and conclusions of law are published in the notice of judgment referred to above.

15695. Misbranding of Remin's Brewers' Hydrolyzed Yeast (Powder), Remin's Multi-Vitamin A-B-C-D Drops, Remin's Brewers' Hydrolyzed Yeast and Whey Powder, and Remin's (Powdered) Hydrolyzed Brewers' Yeast Vegetables and Whey. U. S. v. Eugene A. Kazmark (M & M Service). Plea of guilty. Fine, \$10. (F. D. C. No. 25624. Sample Nos. 16849-K to 16852-K, incl.)

INFORMATION FILED: August 4, 1949, Northern District of Illinois, against Eugene A. Kazmark, trading as M & M Service, at Joliet, Ill.

ALLEGED SHIPMENT: On or about April 13, 1948, from the State of Illinois into the State of Wisconsin.

LABEL, IN PART: "Remin's Brewers' Hydrolyzed Yeast (Powder) A Supplementary source of Hydrolyzed Brewers' Yeast and its natural vitamins B₁ and B₂," "Remin's Multi-Vitamin A-B-C-D Drops In A Base Of Brewers' Yeast Extract," "Remin's Brewers' Hydrolyzed Yeast and Whey Powder A Supplementary source of Hydrolyzed Brewers' Yeast and its natural vitamins B₁ and B₂," and "Remin's (Powdered) Hydrolyzed Brewers' Yeast Vegetables and Whey."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the articles were false and misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2964, in which is set forth the nature of the false and misleading statements referred to above.

DISPOSITION: September 19, 1949. A plea of guilty having been entered, the court imposed a fine of \$10.

15696. Adulteration and misbranding of Bevina. U. S. v. 13 Dozen Bottles * * *. (F. D. C. No. 27825. Sample No. 57001-K.)

LIBEL FILED: September 6, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 27, 1949, by the Lorr Laboratories, from Paterson, N. J.

PRODUCT: 13 dozen bottles of Bevina at Brooklyn, N. Y.

LABEL, IN PART: (Bottle) "Whelco Twelve Fluid Ounces Bevina (Elixir Thiamine Hydrochloride) (Vitamin B₁)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine hydrochloride (vitamin B₁), had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Each fluid ounce contains 10 milligrams of Crystalline Thiamine Hydrochloride equivalent to not less than 3330 U. S. P. Units of Vitamin B₁ * * * three teaspoonfuls supplies 375% of the adult minimum daily requirement of vitamin B₁" were

false and misleading as applied to the article, which contained less than the declared amount of thiamine hydrochloride (vitamin B₁).

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

15697. Misbranding of Rex Wheat Germ Oil. U. S. v. VioBin Corp. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 25608. Sample Nos. 83115-H, 15069-K, 24748-K.)

INFORMATION FILED: April 11, 1949, Eastern District of Illinois, against the VioBin Corp., Monticello, Ill.

ALLEGED SHIPMENT: On or about February 26, 1947, and May 10, 1948, from the State of Illinois into the States of Ohio, Wisconsin, and Michigan.

LABEL, IN PART: "Rex Wheat Germ Oil A cold processed, biologically tested, stable wheat germ oil."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading. The nature of these false and misleading statements is set forth in notices of judgment on drugs and devices, No. 2970.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notice of judgment, No. 2970, referred to above.

DISPOSITION: November 17, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

15698. Adulteration and misbranding of vitamin oil. U. S. v. 17 Drums * * *. (F. D. C. No. 27432. Sample No. 20573-K.)

LIBEL FILED: On or about July 11, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 11, 1948, from San Francisco, Calif.

PRODUCT: 17 54-gallon drums of vitamin oil at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Guaranteed not less than * * * 454,000 U. S. P. Vitamin A Units per pound (1,000 units per gram)" was false and misleading as applied to an article which contained less than 454,000 U. S. P. units of vitamin A per pound (1,000 units per gram).

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 22, 1949. The California Packing Sales Co., San Francisco, Calif., having appeared as claimant, judgment was entered providing for the release of the product under bond, to be brought into compliance with the law. The product subsequently was relabeled.

15699. Adulteration of fenugreek tea. U. S. v. 4 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 24473, 24575, 24602. Sample Nos. 36466-K, 36467-K, 36475-K, 37025-K.)

LIBELS FILED: March 9 and 29 and April 16, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about December 9, 1947, and January 21 and March 16, 1948, by the Nutrition Enterprises, from Chicago, Ill.

PRODUCT: 16⅔ cases, each full case containing 12 1-pound packages, and 10 cases, each containing 6 4-pound packages, of fenugreek tea at Seattle, Wash.

LABEL, IN PART: "Lelord Kordel's Fenugreek Tea."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt and rodent excreta.

DISPOSITION: July 26, 1949. Lelord Kordel, claimant, having consented to the entry of a decree, judgments of condemnation were entered and the court ordered that the product be released under bond for recleaning and repackaging, under the supervision of the Federal Security Agency. On October 19, 1949, the decrees were modified to permit destruction of the product. Thereafter, the product was denatured.

15700. Adulteration and misbranding of vitamin A and D feeding oil. U. S. v. Fish Products Co. Plea of guilty. Fine, \$500. (F. D. C. No. 27481. Sample No. 12026-K.)

INFORMATION FILED: September 26, 1949, District of Delaware, against the Fish Products Co., a corporation, Lewes, Del.

ALLEGED SHIPMENT: On or about September 20, 1948, from the State of Delaware into the State of New Jersey.

LABEL, IN PART: "Distributed by the Fox Company Smith's Qualadee A and D Feeding Oil Guaranteed 400 A. O. A. C. Chick Units Vitamin 'D' per gram 1000 International Units Vitamin 'A' per gram Newfield New Jersey."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "1000 International Units Vitamin 'A' per gram" was false and misleading since the article contained not more than 600 International Units of vitamin A per gram.

DISPOSITION: December 13, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 15651 TO 15700

PRODUCTS		
	N. J. No.	N. J. No.
A and D feeding oil, vitamin (veterinary preparation)---	15700	Cheese ----- 15675, 15676
Apple pies-----	15659	Formaggio ----- 15675
Bakery products-----	15656-15659	Coconut cream pies----- 15659
Beverages and beverage materials -----	15651-15655	Coffee----- 15651, 15652
Bevina -----	15696	Corn meal----- 15660-15662
Black-eyed peas, canned-----	15687	Crab meat----- 15682
Bread-----	15656-15658	Dairy products----- 15671-15677
Butter -----	15671-15674	Egg(s), canned, dehydrated--- 15673
canned-----	15673	frozen, liquid whole----- ¹ 15678
imitation-----	15674	whites and yolks----- 15679
Cereals and cereal products----	15656-15670	noodles----- 15664
		Fenugreek tea, Lelord Kordel's-- 15699
		Ferrovyt tablets----- ² 15694
		Fish and shellfish----- 15680-15682

¹ (15678) Prosecution contested.

² (15694) Preliminary injunction denied.

	N. J. No.		N. J. No.
Formaggio cheese	15675	Potato chips	15688
Fruits and vegetables	15653-15655, 15683-15693	Pumpernickel bread	15656
fruit, canned	15683	Raisin pies	15659
frozen	15684	Raspberry, black, puree	15685
miscellaneous fruit product	15685	Remin's Brewers' Hydrolyzed Yeast (Powder), Remin's Multi-Vitamin A-B-C-D Drops, Remin's Brewers' Hydrolyzed Yeast and Whey Powder, and Remin's (Powdered) Hydrolyzed Brewers' Yeast Vegetables and Whey	15695
tomatoes and tomato products	15653-15655, 15689-15693	Rex Wheat Germ Oil	15697
vegetables and vegetable products	15686-15688	Rice	15669
Herring roe	15681	Roe, herring	15681
Ice cream	15677	Sardines, canned	15680
Kordel's, Lelord, fenugreek tea	15699	Shellfish. <i>See</i> Fish and shellfish.	
Lemon pies	15659	Soup nuts	15664
Macaroni and noodle products	15663, 15664	Strawberries, frozen	15684
Mushrooms, fresh	15686	Tomato(es), canned	15689-15691
Noodles. <i>See</i> Macaroni and noodle products.		juice	15653-15655
Oats, ground	15665	puree	15692, 15693
pulverized	15666	Vegetables. <i>See</i> Fruits and vegetables.	
Peach(es), canned	15683	Veterinary preparation	15700
pies	15659	Vitamin, mineral, and other products of special dietary significance	² 15694-15700
Peas, black-eyed, canned	15687	Wheat	15670
Pecans	15688	germ oil, Rex	15697
Pies, apple, coconut cream, lemon, peach, and raisin	15659		
Popcorn	15667, 15668		
popped	15667		
Poppy seed bread	15658		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Alamosa Creamery Co. <i>See</i> Myers, H. D.		Berberian, Gerald:	
Aleutco Corp.:		popped popcorn	15667
canned imitation butter	15674	Binaggia, Jack:	
American Seafood Products Co.:		bread	15656
canned sardines	15680	Bush, J. P.:	
American Trading Co. of San Francisco:		potato chips and pecans	15688
canned sardines	15680	Bush & Long Potato Chip Co. <i>See</i> Bush, J. P.	
Andrews, W. T.:		Coburn Farm Products Corp.:	
canned tomatoes	15690	canned butter and canned dehydrated eggs	15673
Aperion Products Co.:		Confectioners, Inc.:	
egg noodles and soup nuts	15664	popped popcorn	15667
B & L Milling Co.:		Cowley Pharmaceuticals, Inc.:	
corn meal	15662	vitamin and mineral tablets	² 15694
Bateman Frozen Foods Co.:		Cusumano, Joe:	
frozen strawberries	15684	bread	15656

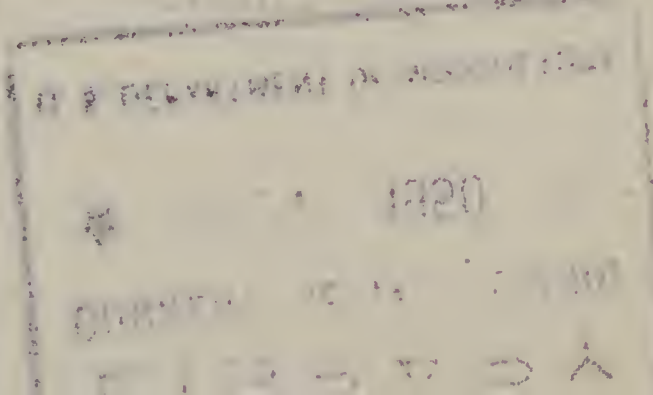
² (15694) Preliminary injunction denied.

	N. J. No.		N. J. No.
Dan Dee Bakery. <i>See</i> Smith, E. E.		Kingrea Milling Co. <i>See</i> Kin- grea, C. L.	
Delta Canning Co., Inc.:		Lake View Bakery Co.:	
tomato puree-----	15693	pies-----	15659
Eagle Bend Cooperative Cream- ery Assn:		Lawson, H. L., & Sons:	
butter-----	15672	canned black-eyed peas-----	15687
Edgerton Cooperative Creamery:		Lorr Laboratories:	
butter-----	15671	Bevina-----	15696
El Paso Macaroni Co. <i>See</i> Ponce, Ernest.		M & M Service. <i>See</i> Kazmark, E. A.	
Filardo, Joseph:		McClintock, W. L., Co.:	
bread-----	15656	coffee-----	15651
Fish Products Co.:		Manos, Angelo:	
vitamin A and D feeding oil---	15700	cheese-----	15676
Fox Co.:		Mease, F. I.:	
vitamin A and D feeding oil---	15700	canned tomatoes-----	15689
Gately, C. W.:		Meyer, Felix, Co., Inc.:	
bread-----	15657	wheat-----	15670
Gibraltar Warehouse:		Midwest Bakery & Macaroni Co.:	
rice-----	15669	bread-----	15656
Golden Desert Foods:		Murphy Grain & Milling Co.:	
macaroni products-----	15663	corn meal-----	15661
Independent Food Products Co., Inc.:		Myers, H. D.:	
frozen liquid whole eggs-----	15678	ice cream-----	15677
Indiana Mushroom Corp.:		Notting, Jerry:	
canned tomatoes-----	15691	butter-----	15671
Iowa Egg Co. <i>See</i> Wiener, Mrs. Yetta.		Nutrition Enterprises:	
Italian Cheese Mfg. Co.:		fenugreek tea-----	15699
Formaggio cheese-----	15675	Phillips, B. R.:	
Jacobson, S. B.:		crab meat-----	15682
egg noodles and soup nuts---	15664	Phillips, A. E., & Son. <i>See</i> Phil- lips, B. R.	
Johnson, G. A.:		Ponce, Ernest:	
butter-----	15672	macaroni products-----	15663
Karalis, D. N.:		Puccinelli Packing Co.:	
pies-----	15659	canned peaches-----	15683
Kazmark, E. A.:		Reeds Spring Canning Co. <i>See</i> Mease, F. I.	
Remin's Brewers' Hydrolyzed Yeast (Powder), Remin's Multi-Vitamin A-B-C-D Drops, Remin's Brewers' Hy- drolyzed Yeast and Whey Powder, and Remin's (Pow- dered) Hydrolyzed Brewers' Yeast Vegetables and Whey	15695	Rosenbaum, Israel:	
Kingrea, C. L.:		frozen liquid whole eggs-----	15678
corn meal-----	15660	Rosenbaum, Sam:	
		frozen liquid whole eggs----- ¹	15678
		Schafer, F. W.:	
		pulverized oats-----	15666
		Schafer Feed & Grain Products Co.:	
		ground whole oats-----	15665
		Schafer Oats Products. <i>See</i> Schafer, F. W.	

¹ (15678) Prosecution contested.

	N. J. No.		N. J. No.
Seibert, A. J., Co., Inc.:		Teti, Joseph, & Son. <i>See</i> Teti,	
corn meal-----	15661	Joseph.	
Sisk, A. W., & Son:		Tito, J. P.:	
canned tomatoes-----	15690	Formaggio cheese-----	15675
Smith, E. E.:		Twentieth Century Bakery, Inc.:	
bread-----	15658	bread-----	15657
Sodus Fruit Exchange:		Vincennes Packing Corp.:	
black raspberry puree-----	15685	tomato juice-----	15654
Southgate Brokerage Co., Inc.:		VioBin Corp.:	
herring roe-----	15681	Rex Wheat Germ Oil-----	15697
Sun-Rayed Co.:		Webster, G. L., Co., Inc.:	
tomato juice-----	15653	tomato juice-----	15655
Taormina, A. F., and E. A.:		Weiner, Mrs. Yetta:	
tomato puree-----	15692	frozen egg whites and yolks--	15679
Taormina Co. <i>See</i> Taormina,		Weissman, Sidney:	
A. F., and E. A.		frozen liquid whole eggs----- ¹	15678
Teti, Joseph:		Wood, J. W.:	
fresh mushrooms-----	15686	canned black-eyed peas-----	15687

¹ (15678) Prosecution contested.



THE NATIONAL ARCHIVES
FEDERAL REGISTER
OF THE UNITED STATES
1934

The Primary Source of Administrative Law

The *Federal Register* publishes the full text of administrative law as it is created from day to day by Federal executive agencies. This official publication contains proclamations, Executive orders, and regulations of general applicability and legal effect. It is the key to the following subjects and many more in the field of administrative law:

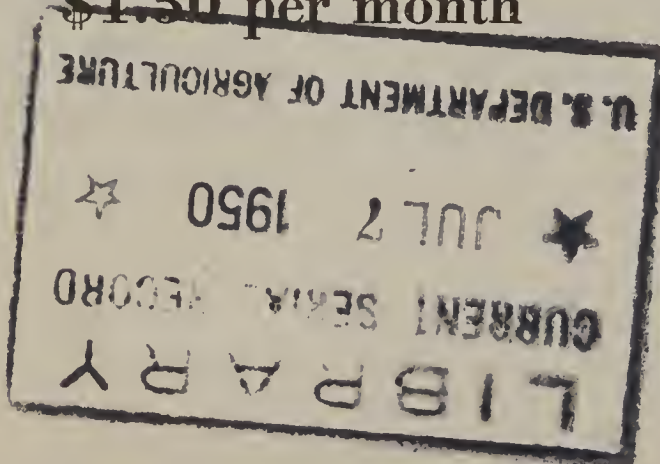
<i>Agriculture</i>	<i>Marketing</i>
<i>Aliens</i>	<i>Military Affairs</i>
<i>Atomic Energy</i>	<i>Money and Finance</i>
<i>Aviation</i>	<i>Patents</i>
<i>Business Credit</i>	<i>Public Contracts</i>
<i>Communications</i>	<i>Public Lands</i>
<i>Customs</i>	<i>Securities</i>
<i>Fair Trade Practice</i>	<i>Shipping</i>
<i>Food and Drugs</i>	<i>Social Security</i>
<i>Foreign Relations and Trade</i>	<i>Taxation</i>
<i>Housing</i>	<i>Transportation</i>
<i>Labor Relations</i>	<i>Utilities</i>
	<i>Veterans' Affairs</i>
	<i>Wages and Hours</i>

A SAMPLE COPY AND INFORMATION MAY BE OBTAINED ON REQUEST TO THE FEDERAL REGISTER, NATIONAL ARCHIVES, WASHINGTON 25, D. C.

Order from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

~~\$1.50 per month~~

● \$15 per year



U. S. GOVERNMENT PRINTING OFFICE: 1950

D 3 2 8 6